

CHILD WELFARE SERIES

Number 33

Adoptions Australia 2002–03

Australian Institute of Health and Welfare
Canberra

AIHW cat. no. CWS 21

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ISSN 1320-081X

ISBN 1 74024 335 8

Suggested citation

Australian Institute of Health and Welfare (AIHW) 2003. *Adoptions Australia 2002–03*. AIHW cat. no. CWS 21. Canberra: AIHW.

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Published by Australian Institute of Health and Welfare

Printed by

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Acknowledgments

Many people have contributed to this and previous issues of the Australian Institute of Health and Welfare's Adoptions Australia series. This issue has been prepared by Susie Kelly.

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

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Community Services
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Abbreviations

| | |
|---------|--|
| ABS | Australian Bureau of Statistics |
| AIHW | Australian Institute of Health and Welfare |
| DCD | Department for Community Development (Western Australia) |
| DCS | Department of Community Services (New South Wales) |
| DEYFS | Department of Education, Youth and Family Services (ACT) |
| DoF | Department of Families (Queensland) |
| DHCS | Department of Health and Community Services (Northern Territory) |
| DHHS | Department of Health and Human Services (Tasmania) |
| DIMIA | Department of Immigration, Multicultural and Indigenous Affairs (Commonwealth) |
| SADHS | Department of Human Services (South Australia) |
| VicDHS | Department of Human Services (Victoria) |
| WELSTAT | The Standardisation of Social Welfare Statistics Project |

Symbols

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

Notes

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

Summary

This report presents adoption statistics provided by the state and territory community services departments for the period 1 July 2002 to 30 June 2003. The report covers all finalised adoptions, including information on adopted children, adoptive families and birth mothers. It also provides data on the number of requests for information and the number of contact and information vetoes lodged by parties to an adoption.

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

- There were 472 adoptions of children in Australia in 2002-03, a decrease of 16% from the 561 adoptions in 2001-02.
- 59% (278) of the adoptions were intercountry placement adoptions, 25% (116) were 'known' child adoptions and 16% (78) were local placement adoptions.
- Of the 116 'known' child adoptions, 70% were adoptions by step-parents, 28% by carers and 2% by other relatives.
- The age of the child varied depending on the type of adoption: in local placement adoptions, the highest proportion of children (69%) were aged under 1 year: in intercountry placement adoption, the highest proportion (59%) were aged 1-4 years: and for 'known' child adoptions, the majority of the children (97%) were aged 5 years and over.
- For intercountry adoptions, over one-third (36%) of the children adopted were from South Korea, 17% from China, 14% from Ethiopia and 12% from India.
- For local placement adoptions, where the age of the birth mother was known, 78% of mothers were under the age of 30, with the mean age being 22 years.
- For all placement adoptions, 79% of the adoptive mothers and 85% of the adoptive fathers were aged 35 years and over. Most of the children were adopted by people who were married. Additionally, 59% of the children were adopted by people who had no other children in the family.
- There were 3,744 information applications, of which 73% were made by the adopted person—88% of these people were aged over 25 years.
- There were 137 contact and identifying information vetoes, an increase of over 50% from the 88 lodged in 2001-02.

1 Adoptions in Australia 2002–03

Introduction

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

The statistics in this publication cover all finalised adoptions recorded by state and territory community services departments for the period 1 July 2002 to 30 June 2003. This report also contains data on the number of requests made for information about an adoption and the number of contact and information vetoes lodged by adopted persons, adoptive parents, birth parents and other relatives for the same period. Data are also included on trends in the number of adoptions.

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

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

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

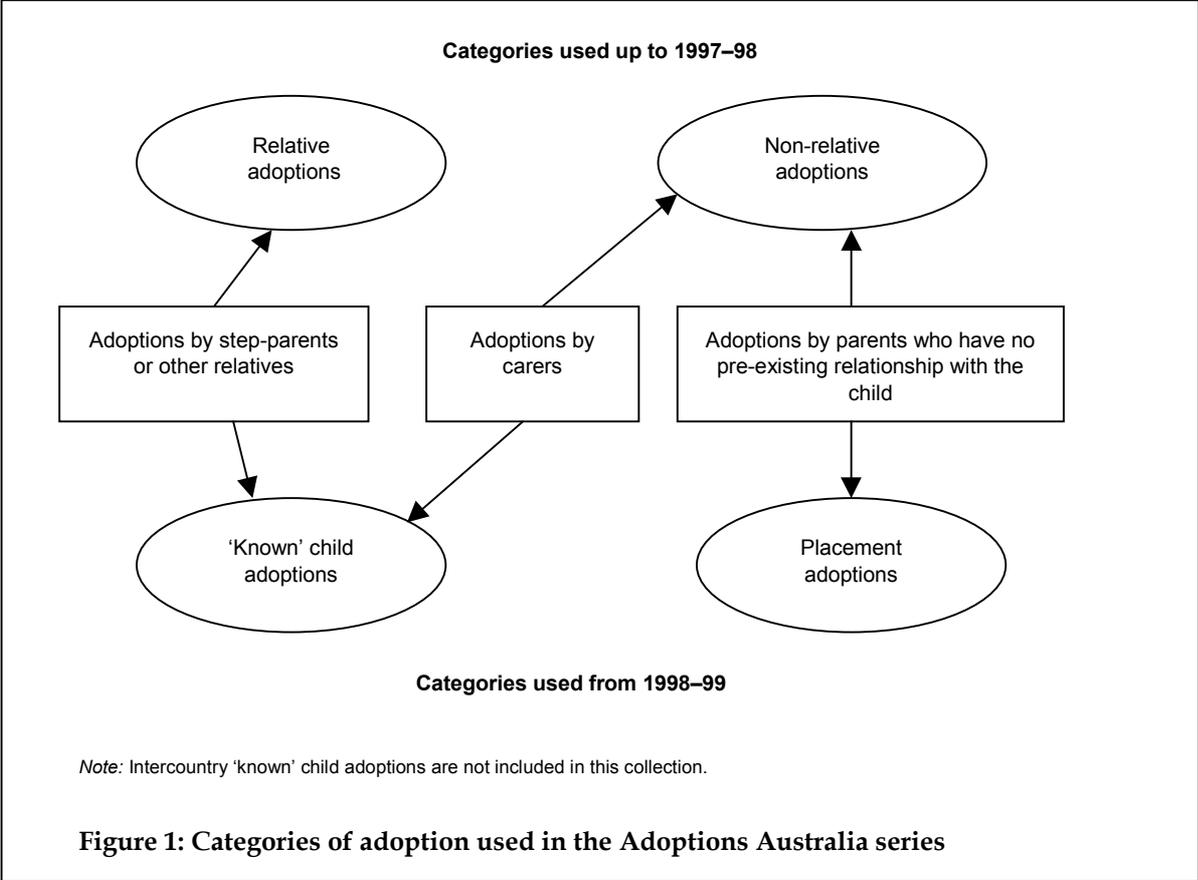
Categories of adoption

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

The categories of adoption used in this publication are:

- **Placement adoptions**, which are adoptions of children who are legally available and placed for adoption but who generally have had no previous contact or relationship with the adoptive parents. Placement adoptions are broken down into the following two categories:
 - **local placement adoptions**, which are adoptions of children who were born in Australia or who were permanent residents of Australia before the adoption
 - **intercountry placement adoptions**, which are adoptions of children from countries other than Australia.
- **'Known' child adoptions**, which are adoptions of children who have a pre-existing relationship with the adoptive parent(s) and who are generally not available for adoption by anyone other than the adoptive parent(s). 'Known' child adoptions include adoptions by step-parents, other relatives and carers (for a definition of carers, see Appendix 2). Intercountry 'known' child adoptions are not included in the tables as they are not the responsibility of the state and territory community services departments.

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

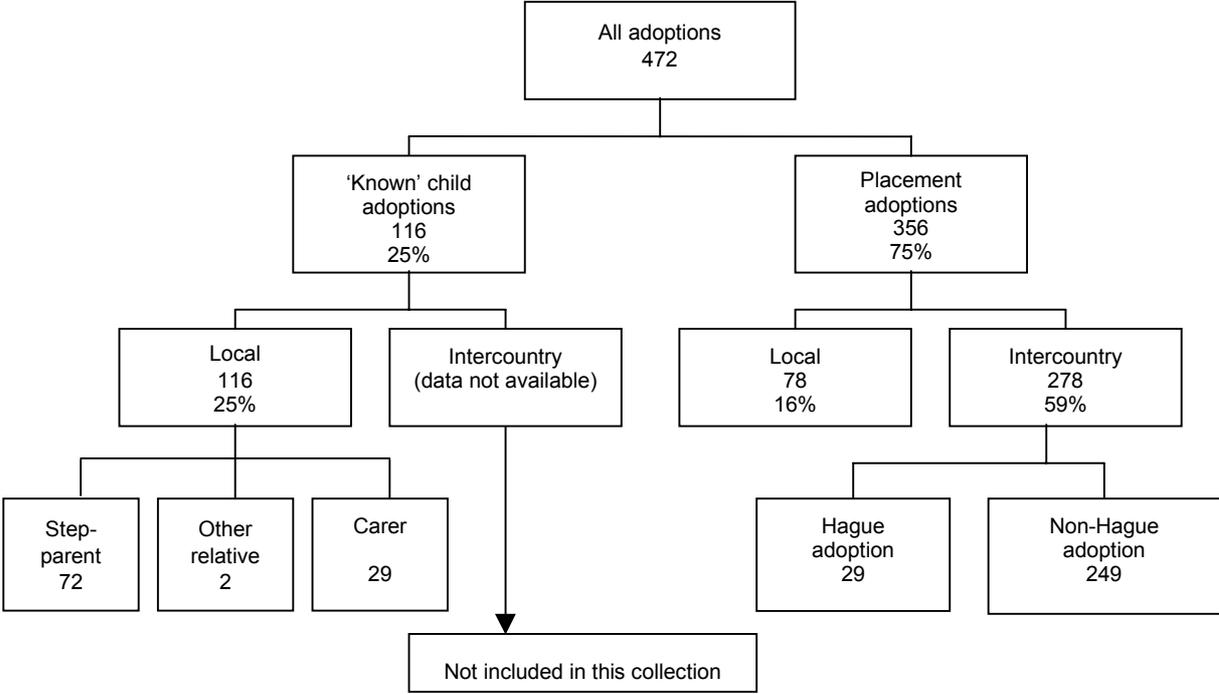


Overview of adoptions in 2002-03

In 2002-03 there were 472 adoptions of children in Australia. This is a decrease of 16% from the 561 adoptions in 2001-02. This decrease was mainly due to a fall in both local placement and 'known' child adoptions.

The main features regarding adoptions in 2002-03 (Figure 2) are:

- 75% (356) were placement adoptions and 25% (116) were 'known' child adoptions
- 41% (194) of adoptions were of local children ('known' child and placement) and 59% (278) were of children from outside Australia
- of the 160 'known' child adoptions, 70% (72) were adoptions by step-parents, 28% (29) by carers, and 2% (2) by other relatives
- there were 78 placement adoptions of local children and 278 placement adoptions of children from outside Australia.



Notes

1. Percentages are of total adoptions.
2. The total 'known' child adoptions include 13 children where the relationship to the adoptive parent(s) is unknown.
3. For more information on Hague adoptions, see page 12.

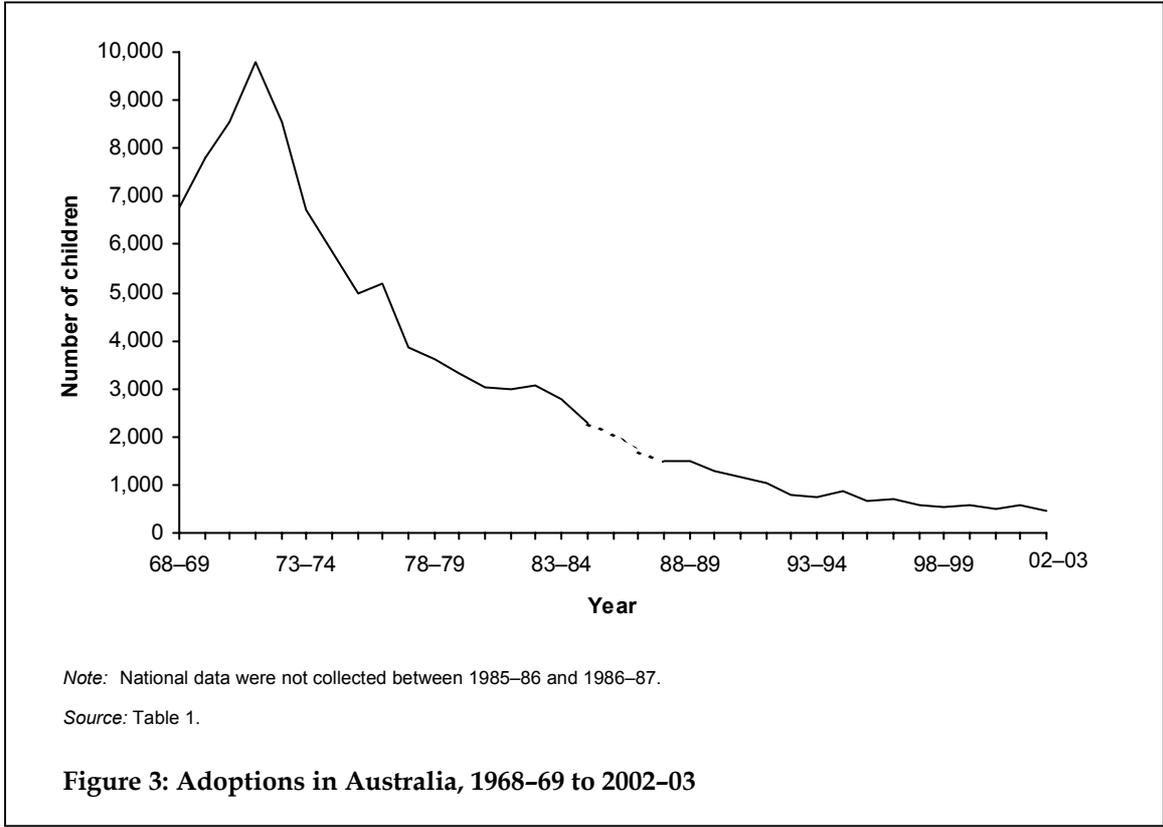
Source: Tables 8, 14 and A4.1.

Figure 2: Adoptions in Australia, 2002-03

Trends in adoption

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

- effective birth control leading to a decrease in the number of unplanned pregnancies
- the provision of income support for single parents and changed community attitudes to single parenthood, resulting in an alternative to adoption
- changes to legislation and practices in relation to adoptions by step-parents within states and territories whereby step-parents are encouraged to use arrangements other than adoption (see AIHW: Bentley & Broadbent 1997, Section 2.3)
- the introduction of alternative legal orders which transfer permanent guardianship and custody of a child to a person other than the parent, for example, permanent care orders in Victoria (see page 23).



Although numbers of adoptions have fluctuated in the past decade, they have generally followed the downward trend that began in the early 1970s, falling from 1,052 in 1991-92 to 472 in 2002-03 (Table 1). These fluctuations are due mainly to variations in the number of local placement and 'known' child adoptions.

Table 1: Adoptions, by state and territory, 1968–69 to 2002–03

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

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

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

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

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

Source: AIHW 2002.

2 Detailed information

Placement adoptions

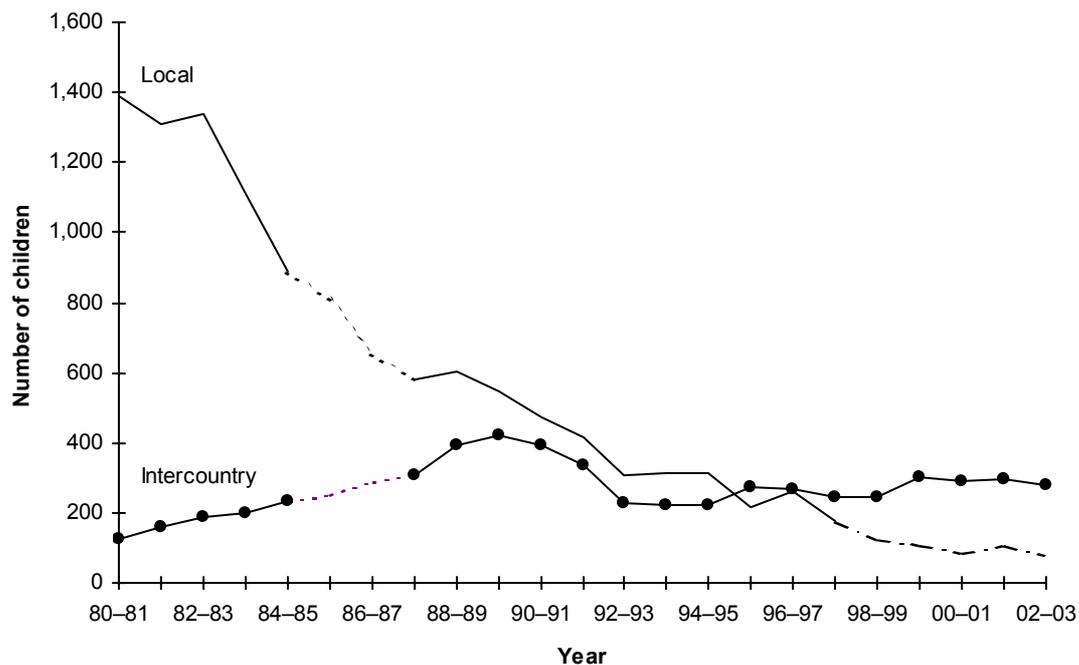
Placement adoptions are adoptions where the child is legally available and placed for adoption and the child and the adoptive parents have generally had no previous contact or relationship. There are two types of placement adoptions: **local placement adoptions** – for adoptions of children who are residents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

A child is legally available for placement adoption if all the necessary consents to the child's adoption have been obtained or dispensed with. Persons wishing to adopt a child must satisfy the department or agency concerned that they will be suitable parents. In Queensland, the Northern Territory and Tasmania, only married couples are allowed to adopt, whereas de facto couples are also eligible in all other jurisdictions (see Appendix 2). In New South Wales, Victoria, Western Australia, South Australia and the Australian Capital Territory, applications from single people are also accepted under certain circumstances. Other factors considered in the assessment of the suitability of potential parents are their parenting capacity, age, health, reasons for wanting to adopt, and the stability of their relationship.

Trends in placement adoptions by non-relatives

The number of adoptions by non-relatives decreased significantly between the early 1980s and the late 1990s, from more than 1,500 in 1980–81 to 423 in 1997–98. This was due mainly to the decrease in the number of adoptions of local children by non-relatives, from 1,388 in 1980–81 to 178 in 1997–98. In 1998–99, this category of adoption was changed to 'local placement adoptions' and adoptions by carers were excluded (see Figure 1). The number of local placement adoptions has fluctuated over this period, but has fallen overall from 127 to 78 between 1998–99 and 2002–03.

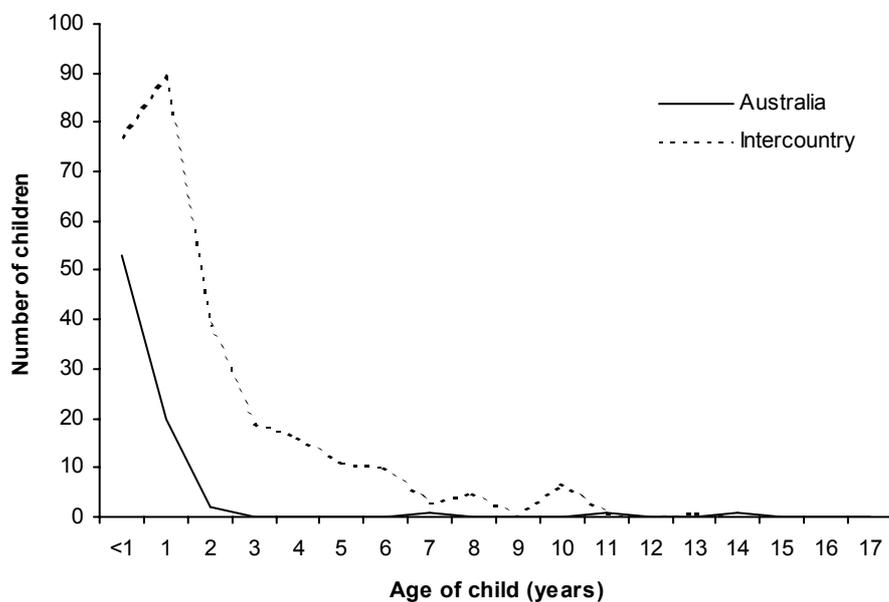
The number of placement adoptions of intercountry children (called 'adoptions of overseas-born children by non-relatives' before 1998–99) increased from 127 in 1980–81 to 420 in 1989–90 then fell to 222 in 1993–94 (Figure 4). Between 1994–95 and 1998–99 the numbers fluctuated but there was a significant increase from 1998–99 to 1999–00 and numbers have fallen only slightly since then (Table 7, page 14). The reason for much of this increase is likely to be the streamlining of processes for adoption of intercountry children as a result of the ratification by Australia of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption in December 1998 and the bilateral agreement which was signed with China in 1999 (see page 12).



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

Sources: Tables 2 and A4.3; AIHW 2002.

Figure 4: Non-relative adoptions, by type of adoption, 1980-81 to 1997-98, and placement adoptions, by type of adoption, 1998-99 to 2002-03



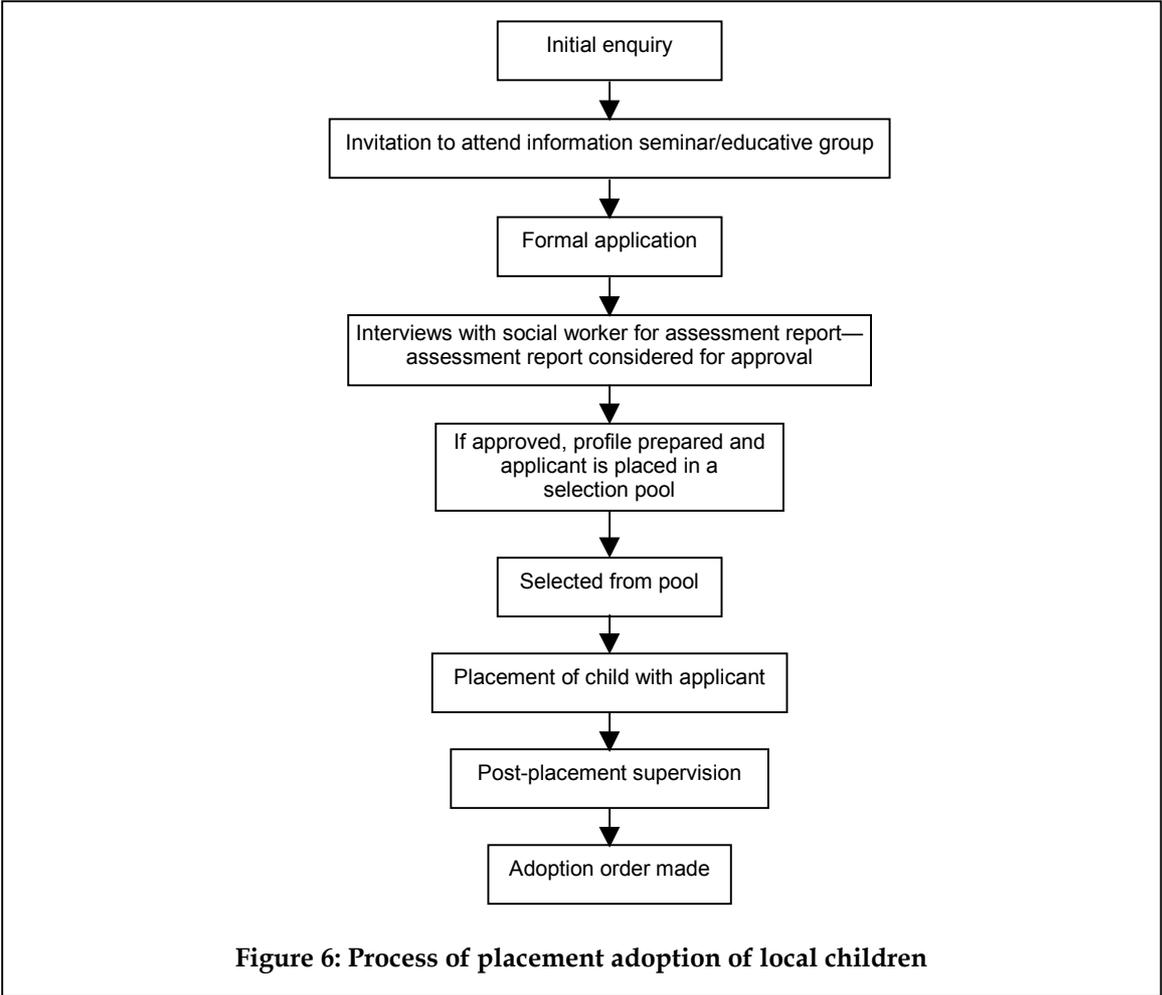
Source: AIHW unpublished data. See also Table A4.1.

Figure 5: Age distribution of placement adoptions, by age of child, 2002-03

Local children in placement adoptions tend to be younger than children adopted from other countries (Figure 5). In 2002–03, 68% of children in local placement adoptions were aged under 1 year, compared with 28% of children adopted from other countries. This may be due to the fact that it is a more lengthy process to adopt a child from another country than it is to adopt a child in Australia and also that children identified by intercountry organisations as available for adoption tend to be older.

Local placement adoptions

Generally, for local placement adoptions, the guardianship of a child for whom a general consent for adoption has been signed resides with the community services department or, in the case of some approved non-government adoption agencies, with the principal officer of the agency. The guardianship remains in force until the adoption order is made, the consent for adoption is revoked or some other specified event occurs (see Figure 6).



Placement adoptions of local children in 2002–03

The principle features of the 78 local placement adoptions in 2002–03 were:

- 45% of these adoptions were of males and 55% of females (Table A4.1)
- 68% of these adoptions were of children aged under 1 year (Table A4.1)

- 59 (76%) of the local placement adoptions were arranged by the community services departments, the other 19 (25%) were arranged by non-government organisations (Table A4.2)
- where the age of the birth mother was known (72 adoptions), 78% of mothers were under the age of 30 years, with the mean age being 23 years (Table 3)
- for those adoptions where the legal marital status of the birth mother was known (72 adoptions), 93% of the local children placed for adoption were born to mothers who were not married and 7% were born to mothers who were married (Table 4)
- over the last decade, where the legal marital status of the mother was known, the majority of local children placed for adoption were born to mothers who were not married (Table 4)
- where the type of agreement under which the adoption was made was known (74 adoptions), the majority were 'open', with 16% requesting 'no contact' (Table 5)
- 73% of the consents to the adoption were given by the mother only and 25% were given by both the mother and the father (Table 6).

Table 2: Local non-relative adoptions, by state and territory, 1987–88 to 1997–98, and local placement adoptions, 1998–99 to 2002–03

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

(a) Data for 2000–01 differ from the previous edition due to updated figures.

Notes

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

Source: AIHW 2002.

Table 3: Local placement adoptions, by age and marital status of birth mother, 2002-03

| Age (years) | Married | | Not married | | Unknown | Total | |
|--------------|----------|------------|-------------|------------|----------|-----------|------------|
| | No. | % | No. | % | | No. | % |
| Under 20 | — | — | 31 | 44 | — | 31 | 41 |
| 20-24 | 1 | 20 | 20 | 29 | — | 21 | 28 |
| 25-29 | — | — | 7 | 10 | — | 7 | 9 |
| 30-34 | 1 | 20 | 5 | 7 | — | 6 | 8 |
| 35-39 | 2 | 40 | 5 | 7 | — | 7 | 9 |
| 40+ | 1 | 20 | 2 | 3 | — | 3 | 4 |
| Unknown | — | — | — | — | 3 | 3 | .. |
| Total | 5 | 100 | 70 | 100 | 3 | 78 | 100 |

Table 4: Local placement adoptions, by marital status of birth mother, 1987-88 to 2002-03

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

Source: AIHW 2002.

Table 5: Local placement adoptions, by type of agreement, for selected states and territories, 2002–03

| Type of agreement | Total | Per cent |
|----------------------------------|--------------|-----------------|
| Contact and information exchange | 31 | 42 |
| Contact only | — | — |
| Information exchange only | 31 | 42 |
| No contact | 12 | 16 |
| Unknown | 4 | .. |
| Total | 78 | 100 |

Table 6: Local placement adoptions, by type of consent, 2002–03

| Type of consent given | Number | Per cent |
|------------------------------|---------------|-----------------|
| Mother only | 56 | 73 |
| Father only | — | 0 |
| Mother and father | 19 | 25 |
| Dispensations | 2 | 3 |
| Unknown | 1 | .. |
| Total | 78 | 100 |

Note: There were 4 dispensations for father's consent in Western Australia and in Queensland, there were 18 dispensations of father's consent ordered by the Children's Court. These adoptions are included in the 'Mother only' category. A dispensation is usually given by the Family Court when the birth parent is unable to give consent themselves.

Intercountry placement adoptions

Process of intercountry adoptions

The adoption process for intercountry children is strictly controlled by each state and territory under the relevant Adoption Act and by the Commonwealth Government under the *Immigration (Guardianship of Children) Act 1946*. Although the Commonwealth, and the state and territory governments are jointly responsible for investigating and approving overseas adoption programs, a suitable central agency in the overseas country is required to administer the program in accordance with standards acceptable to Australia. Although each state and territory has its own legislation relating to intercountry adoption, the process is relatively similar across the jurisdictions (Figure 7).

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

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

To date, a total of 53 countries have either ratified or acceded to the Convention (for a list of countries party to the Convention, see Appendix 5). It is expected that most countries will eventually ratify the Convention. The Convention helps people in Australia who wish to adopt children from other countries because it establishes uniform procedures to be followed by the countries that are parties to the Convention. The Convention also ensures that the child's best interests are safeguarded. Australia's ratification of the Hague Convention is likely to be the main reason for the increase in intercountry adoptions between 1998–99 and 1999–00.

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

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

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

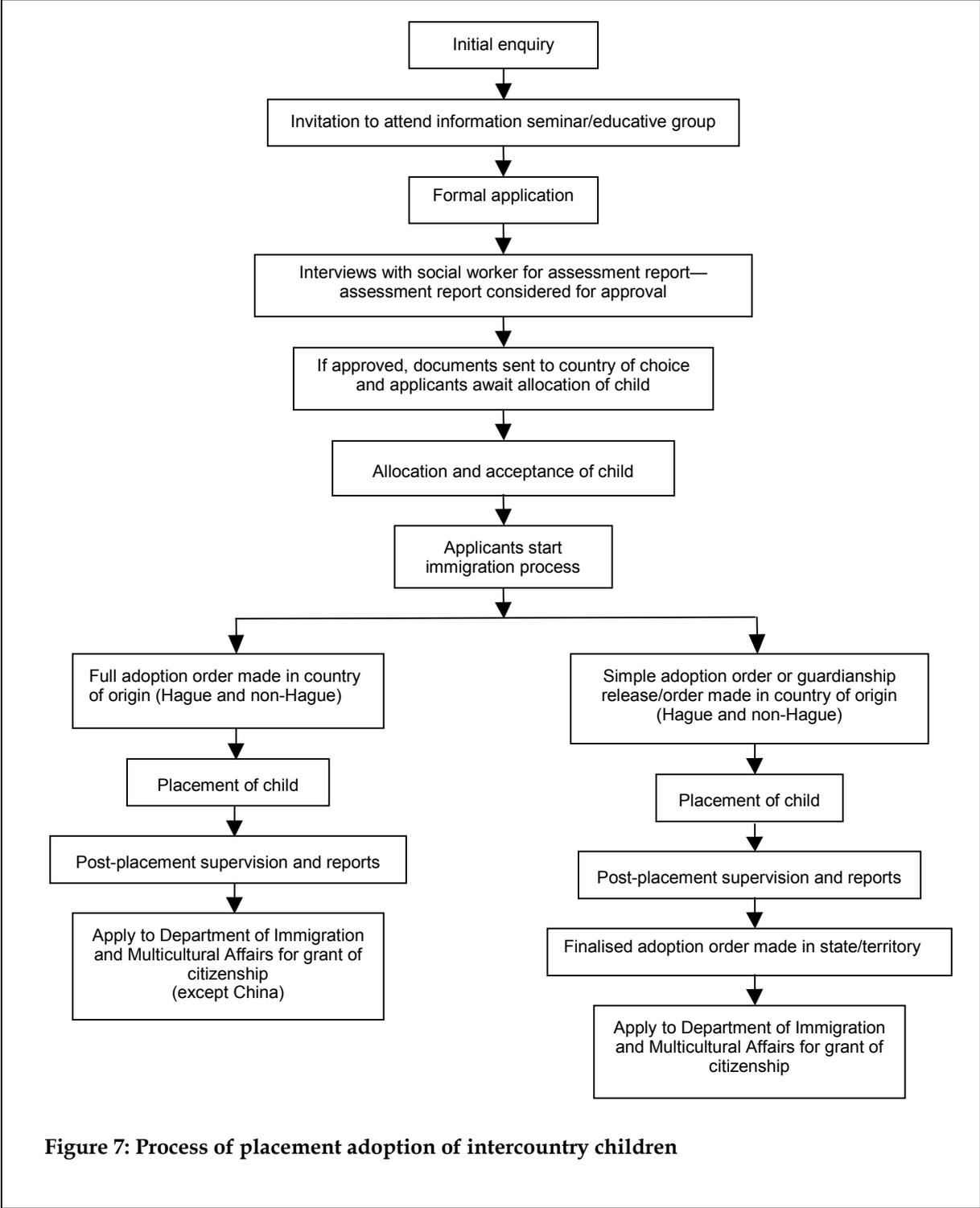


Figure 7: Process of placement adoption of intercountry children

Intercountry placement adoptions in 2002–03

The main points to note regarding the 278 intercountry placement adoptions in 2002–03 are:

- 42% of the children adopted were male and 58% were female (Table A4.1)
- 58% of intercountry children were aged 1–4 years, and 28% were aged under 1 year (Table A4.1)
- 101 (36%) of intercountry children adopted were from South Korea, 46 (17%) from China, 39 (14%) from Ethiopia and 33 (12%) from India (Table 8)
- there were 29 Hague adoptions – 18 from the Philippines, 7 from Colombia, 2 from Sri Lanka, 1 from Bolivia and 1 from Burkina Faso. Except for the 18 adoptions from the Philippines, the adoption order was made in the country of origin under the Hague Convention (Table 9)
- the number of intercountry placement adoptions in each state and territory was proportional to its respective population in Victoria and Western Australia. In New South Wales and Queensland there were less adoptions than would be expected while in South Australia and the Australian Capital Territory there were around three times the number of adoptions expected (Table A4.3).

Over the last few years, the numbers of adoptions from South Korea and China increased considerably, while the adoptions from Fiji and Romania have all but ceased. Since 1991–92, of the total number of intercountry children adopted, 30% came from South Korea, 12% from India and 10% from Thailand (Table A4.4).

Table 7: Intercountry placement adoptions, by state and territory, 1987–88 to 2002–03

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

Notes

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

Source: AIHW 2002.

Table 8: Intercountry placement adoptions, by country of birth and state and territory, 2002-03

| Country of origin | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|----------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|------------|
| Hague adoptions | | | | | | | | | |
| Bolivia | 1 | — | — | — | — | — | — | — | 1 |
| Burkina Faso | — | 1 | — | — | — | — | — | — | 1 |
| Colombia | 7 | — | — | — | — | — | — | — | 7 |
| Philippines | 4 | 4 | — | 1 | 4 | 3 | 2 | — | 18 |
| Sri Lanka | — | — | — | 1 | — | 1 | — | — | 2 |
| Non-Hague adoptions | | | | | | | | | |
| China | 11 | 16 | 1 | 4 | 4 | 6 | 4 | — | 46 |
| England | — | — | — | — | — | — | — | 1 | 1 |
| Ethiopia | 5 | 4 | 7 | 3 | 12 | 3 | 4 | 1 | 39 |
| Guatemala | 2 | 2 | — | — | — | — | — | — | 4 |
| Hong Kong | — | 1 | — | 1 | 2 | — | — | — | 4 |
| India | 1 | 13 | 2 | 2 | 11 | — | 1 | 3 | 33 |
| South Korea | 21 | 15 | 15 | 12 | 30 | 2 | 4 | 2 | 101 |
| Romania | 1 | — | — | — | — | — | — | — | 1 |
| Taiwan | 2 | — | 1 | — | — | — | — | — | 3 |
| Thailand | 6 | 3 | 3 | — | 5 | — | — | — | 17 |
| Total | 61 | 59 | 29 | 24 | 68 | 15 | 15 | 7 | 278 |

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

Table 9: Intercountry placement adoptions from Hague countries, by type of order under which the child entered Australia, 2002-03

| Country of origin | Adoption order in country of origin | Guardianship order | Total |
|-------------------|-------------------------------------|--------------------|-----------|
| Bolivia | 1 | — | 1 |
| Burkina Faso | 1 | — | 1 |
| Colombia | 7 | — | 7 |
| Philippines | — | 18 | 18 |
| Sri Lanka | 2 | — | 2 |
| Total | 11 | 18 | 29 |

Other intercountry adoptions

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

In 2002-03, there were 32 visas issued for children whose adoptive parents were overseas for 12 months or more (Department of Immigration and Multicultural Affairs, pers. comm., 11 September 2003). This is a large increase from the 15 issued in 2001-02 (AIHW 2002:17). A further 349 visas were issued for intercountry placement adoptions (Table A4.5).

Placement of children

The AIHW also collects data on the number of children who were placed with their adoptive parent(s) regardless of whether their adoption orders were finalised by 30 June 2003 for both local and intercountry placement adoptions.

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

In relation to intercountry adoptions, children who were adopted from most countries party to the Hague Convention and from China do not have to wait for the adoption order to be finalised in Australia, as it is finalised in the country of origin. This does not apply to children from the Philippines adopted under the Convention.

There were 411 children placed for adoption in 2002-03 (Table 10), which is 55 more than the 356 placement adoptions that were finalised during the same period.

Table 10: Placement adoptions: number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2002-03

| Type of adoption | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
|------------------------|-----------|------------|-----------|-----------|-----------|-----------|-----------|----------|------------|
| Local placement | 25 | 21 | 1 | 3 | 4 | 2 | 3 | — | 59 |
| Intercountry placement | | | | | | | | | |
| Hague adoption | 9 | 5 | 6 | 1 | 4 | 4 | 2 | 1 | 32 |
| Non-Hague adoption | 63 | 89 | 35 | 29 | 61 | 22 | 16 | 5 | 320 |
| Total | 97 | 115 | 42 | 33 | 69 | 28 | 21 | 6 | 411 |

Characteristics of adoptive families

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

The main points to note in relation to the characteristics of families of children in placement adoptions in 2002–03 are:

- the majority of adoptive mothers (272 or 79%) were aged 35 and over, with 172 (50%) aged 40 years and over (Table 11)
- more than half of adoptive fathers (207 or 60%) were aged over 40 years, with 87 (25%) aged 45 years and over (Table 11)
- 344 children (97%) were adopted by couples who were married, 8 (2%) by single people and 3 (1%) by de facto couples (Table 12)
- 209 children (59%) were adopted by parent(s) who had no other children in the family, 75 (21%) by parent(s) who had other adopted children, 60 (17%) by parent(s) who had other biological children and 11 (3%) by parent(s) with both adopted and biological children in the family (Table 13)
- 29 children were adopted with their siblings, most of these being two children adopted together (Table A4.6).

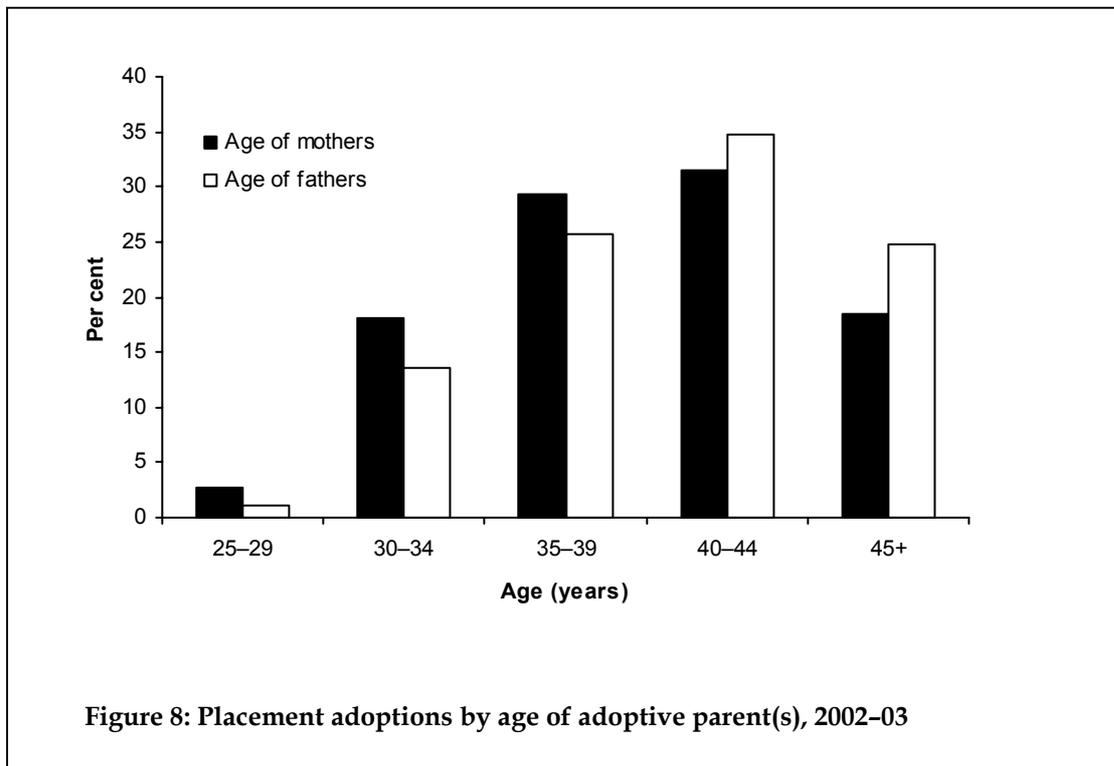


Table 11: Placement adoptions, by age of the adoptive parent(s), 2002–03

| Type of adoption | Age (years) | | | | | | Unknown | Total |
|----------------------------------|-------------|----------|-----------|------------|------------|-----------|-----------|------------|
| | Under 25 | 25–29 | 30–34 | 35–39 | 40–44 | 45+ | | |
| Age of mother | | | | | | | | |
| Local adoptions | — | 3 | 18 | 28 | 23 | 5 | 1 | 78 |
| Inter-country | | | | | | | | |
| Hague adoption | — | 1 | 6 | 8 | 9 | 5 | — | 29 |
| Non-Hague adoption | — | 5 | 38 | 64 | 76 | 54 | 12 | 249 |
| Total placement adoptions | — | 9 | 62 | 100 | 108 | 64 | 13 | 356 |
| Age of father | | | | | | | | |
| Local adoptions | — | — | 9 | 28 | 29 | 11 | 1 | 78 |
| Inter-country | | | | | | | | |
| Hague adoption | — | — | 6 | 5 | 9 | 9 | — | 29 |
| Non-Hague adoption | — | 4 | 32 | 56 | 82 | 67 | — | 241 |
| Total placement adoptions | — | 4 | 47 | 89 | 120 | 87 | 1 | 348 |

Note: Totals for the father do not add to total number adoptions (356) as 8 women were single.

Table 12: Placement adoptions, by family type, 2002–03

| Type of adoption | Marital status of the adoptive parent(s) | | | | Total |
|----------------------------------|--|------------------|---------------|----------|------------|
| | Married couples | De facto couples | Single person | Unknown | |
| Local adoptions | 76 | 1 | — | 1 | 78 |
| Inter-country | | | | | |
| Hague adoption | 29 | — | — | — | 29 |
| Non-Hague adoption | 239 | 2 | 8 | — | 249 |
| Total placement adoptions | 344 | 3 | 8 | 1 | 356 |

Table 13: Placement adoptions, by composition of the adoptive family, 2002–03

| Type of adoption | Composition of the adoptive family | | | | Unknown | Total |
|----------------------------------|------------------------------------|--------------------------|-----------------------|--------------------------------------|----------|------------|
| | No other children in the family | Biological children only | Adopted children only | Both biological and adopted children | | |
| Local adoptions | 46 | 9 | 19 | 3 | 1 | 78 |
| Inter-country | | | | | | |
| Hague adoption | 8 | 8 | 13 | — | — | 29 |
| Non-Hague adoption | 155 | 43 | 43 | 8 | — | 249 |
| Total placement adoptions | 209 | 60 | 75 | 11 | 1 | 356 |

‘Known’ child adoptions

‘Known’ child adoptions are adoptions where the child and the adoptive parent(s) have a pre-existing relationship and the child is generally not available for adoption by anyone other than the adoptive parent(s). These include adoptions by step-parents, other relatives and carers (foster parents and other non-relatives). The number of these adoptions has fallen significantly over the past decade (Table 15).

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

In Western Australia, adoptions by relatives other than step-parents can occur only when the child has been in the care of the relative for at least 3 years. In all other states and territories, legislative provisions allow for adoptions by relatives other than step-parents only in exceptional circumstances, that is, when a guardianship or custody order would not adequately provide for the welfare and interests of the child.

The main points to be noted regarding the 116 ‘known’ child adoptions in 2002–03 are that:

- where the relationship to the adoptive parent was recorded (103 adoptions), 72 (70%) were by step-parents, 29 (28%) were by carers (this includes foster parents and other non-relatives) and 2 (2%) were by other relatives (Figure 2)
- 60 adoptions (59%) were of male children and 42 (41%) of female children (Table 14)
- 64% of ‘known’ child adoptions were of children aged between 5 and 14 years and there were no ‘known’ child adoptions of children under 1 year of age (Table 14).

The number of ‘known’ child adoptions decreased from 172 in 1998–99 to 140 in 2000–01 (Table 15). Between 2000–01 and 2002–03, however, these adoptions increased to 160. This increase was due to the increase in the number of carer adoptions, which rose from 29 in 2000–01 to 52 in 2001–02 (Table 16). The number fell again in 2002–03, and this was partly due to a change in legislation in New South Wales which restricts the adoption of children by step-parents to children who are at least 5 years old and to where the step-parent has lived with the child for at least 3 years.

Table 14: 'Known' child adoptions: relationship of adoptive parents, by age and sex of child, 2002-03

| Age (years) | Step-parent | | | Other relative | | | Carer | | | | Total | | | |
|-----------------|-------------|------------|------------|----------------|----------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| | M | F | P | M | F | P | M | F | U | P | M | F | U | P |
| Number | | | | | | | | | | | | | | |
| Under 1 | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| 1-4 | 2 | 1 | 3 | — | — | — | — | — | — | — | 2 | 1 | — | 3 |
| 5-9 | 17 | 11 | 28 | 1 | — | 1 | 6 | 7 | — | 13 | 24 | 18 | — | 42 |
| 10-14 | 19 | 6 | 25 | 1 | — | 1 | 4 | 3 | — | 7 | 24 | 9 | — | 33 |
| 15+ | 8 | 8 | 16 | — | — | — | 2 | 6 | 1 | 9 | 10 | 14 | 1 | 25 |
| Unknown | — | — | — | — | — | — | — | — | — | — | — | — | 13 | 13 |
| Total | 46 | 26 | 72 | 2 | — | 2 | 12 | 16 | 1 | 29 | 60 | 42 | 14 | 116 |
| Per cent | | | | | | | | | | | | | | |
| Under 1 | — | — | — | — | — | — | — | — | — | — | — | — | — | — |
| 1-4 | 4 | 4 | 4 | — | — | — | — | — | — | — | 3 | 2 | — | 3 |
| 5-9 | 37 | 42 | 39 | 50 | — | 50 | 50 | 44 | — | 45 | 40 | 43 | — | 36 |
| 10-14 | 41 | 23 | 35 | 50 | — | 50 | 33 | 19 | — | 24 | 40 | 21 | — | 28 |
| 15+ | 17 | 31 | 22 | — | — | — | 17 | 38 | 100 | 31 | 17 | 33 | 7 | 22 |
| Total | 100 | 100 | 100 | 100 | — | 100 |

Table 15: Relative adoptions of local children, 1987–88 to 1997–98, and ‘known’ child adoptions, 1998–99 to 2002–03, by state and territory

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

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

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

(c) Data for 2000–01 differ from the previous edition due to updated figures.

Note: Data relating to the years 1979–80 to 1984–85 are shown in previous issues of this publication.

Source: AIHW 2002.

Table 16: ‘Known’ child adoptions relationship of adoptive parent(s), 1998–99 to 2002–03

| | Step-parent | Other relative | Carer | Unknown | Total |
|---------|-------------|----------------|-------|---------|-------|
| 1998–99 | 116 | 8 | 48 | — | 172 |
| 1999–00 | 114 | 2 | 43 | — | 159 |
| 2000–01 | 98 | 1 | 29 | 9 | 137 |
| 2001–02 | 103 | 5 | 52 | — | 160 |
| 2002–03 | 72 | 2 | 29 | 13 | 116 |

Source: AIHW 2002.

Permanent care orders

Most alternatives to adoption (such as placing children on guardianship or custody orders) do not provide a permanent arrangement for the child or the 'new' family. In 1992, Victoria introduced permanent care orders to overcome this problem. Permanent care orders grant permanent guardianship and custody of a child to a third party. Unlike adoption orders, permanent care orders do not change the legal status of the child and they expire when the child turns 18 or marries. There is also provision for an application to be made to revoke or amend a permanent care order.

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

In 2002-03, there were 114 permanent care orders granted in Victoria, a decrease of 40% from the previous year (Table 17). A total of 1,315 permanent care orders have been granted by the Department of Human Services in Victoria since their inception in 1992.

Table 17: Number of permanent care orders granted in Victoria, 1992-93 to 2002-03

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

Source: AIHW 2002.

Adoption of Indigenous children

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

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

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

In 2002–03, there were only two Indigenous children adopted in Australia – both by non-Indigenous relatives/carers (Table 18). Since 1991–92, the number of Indigenous children adopted in accordance with the Aboriginal Child Placement Principle has fluctuated, with no real trend apparent.

Table 18: Indigenous adoptions, by relationship to adoptive parents and Indigenous status of adoptive parents, 1991–92 to 2002–03

| Year | Indigenous | | | Non-Indigenous | | | Total |
|--------------|------------|--------------|-----------|----------------|--------------|-----------|-----------|
| | Relative | Non-relative | Total | Relative | Non-relative | Total | |
| 1991–92 | 2 | 3 | 5 | — | 3 | 3 | 8 |
| 1992–93 | — | 5 | 5 | — | 2 | 2 | 7 |
| 1993–94 | 1 | 6 | 7 | — | 6 | 6 | 13 |
| 1994–95 | — | 7 | 7 | — | 5 | 5 | 12 |
| 1995–96 | — | 2 | 2 | — | 5 | 5 | 7 |
| 1996–97 | 2 | 1 | 3 | — | 4 | 4 | 7 |
| 1997–98 | — | 3 | 3 | — | 1 | 1 | 4 |
| 1998–99 | — | — | — | — | 3 | 3 | 3 |
| 1999–00 | 1 | 1 | 2 | — | — | — | 2 |
| 2000–01 | 1 | 2 | 3 | 1 | — | 1 | 4 |
| 2001–02 | — | 1 | 1 | 2 | 3 | 5 | 6 |
| 2002–03 | — | — | — | 2 | — | 2 | 2 |
| Total | 7 | 31 | 38 | 5 | 32 | 37 | 75 |

Notes

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

Source: AIHW 2002.

Access to information

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

Information applications

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

In New South Wales, adopted persons and birth parents have the right to information without mandatory counselling, except when the information to be released will be distressing (e.g. the death of the other party). An interview is required, however, when one of the parties wishes to lodge a contact veto. Similarly, in Western Australia, a person wishing to gain access to identifying information is not required to be interviewed by an approved counsellor. However, an interview is required if a person wishes to lodge an information veto and a counselling interview is offered to those wishing to lodge a contact veto.

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

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

The main points to note regarding access to information for 2002–03 are:

- there were 3,744 information applications made – 3,115 for identifying information and 629 for non-identifying information (Table 19); this represents a decrease of 10% from the 4,159 lodged in 2002–03 (Table 21)
- 2,730 (73%) of the information applications (both identifying and non-identifying) were made by the adopted person, 636 (17%) by the birth parents (mainly the birth mother), 220 (6%) by other birth relatives, 77 (2%) by a child of the adopted person, 53 (1%) by other adoptive relatives, and 26 (1%) by adoptive parents (Table 19)
- 1,244 of adopted persons seeking information (88%) were 25 years of age or older (Table 20)
- 729 of adopted persons applying for information (55%) were female and 585 (45%) were male (Table 20).

Table 19: Information applications lodged, by person lodging application, 2002-03

| Person lodging the application | NSW | Vic ^(a) | Qld | WA ^(b) | SA | Tas | ACT | NT | Total |
|------------------------------------|------------|--------------------|------------|-------------------|------------|------------|-----------|-----------|--------------|
| Identifying information | | | | | | | | | |
| Adopted person | 760 | 566 | 377 | 259 | 339 | 105 | 27 | 19 | 2,452 |
| Adoptive mother | — | — | 1 | 6 | 2 | — | 3 | 2 | 14 |
| Adoptive father | — | — | — | — | — | — | 1 | — | 1 |
| Birth mother | 179 | — | 100 | 46 | 62 | 17 | 16 | 2 | 422 |
| Birth father | 4 | — | 5 | 21 | 9 | 2 | 1 | 1 | 43 |
| Other birth relative(s) | 26 | — | 5 | 18 | 8 | 2 | 3 | 2 | 64 |
| Other adoptive relative(s) | 1 | — | 16 | — | 30 | — | — | — | 47 |
| Child of adopted person | 20 | 36 | — | 14 | — | — | — | — | 70 |
| Unknown | — | — | 2 | — | — | — | — | — | 2 |
| Total | 990 | 602 | 506 | 364 | 450 | 126 | 51 | 26 | 3,115 |
| Non-identifying information | | | | | | | | | |
| Adopted person | .. | — | 37 | 232 | 9 | — | — | .. | 278 |
| Adoptive mother | .. | 2 | — | 6 | — | 2 | — | .. | 10 |
| Adoptive father | .. | 1 | — | — | — | — | — | .. | 1 |
| Birth mother | .. | 77 | 9 | 43 | 4 | — | — | .. | 133 |
| Birth father | .. | 16 | 4 | 17 | 1 | — | — | .. | 38 |
| Other birth relative(s) | .. | 127 | 2 | 26 | 1 | — | — | .. | 156 |
| Other adoptive relative(s) | .. | — | 1 | — | 5 | — | — | .. | 6 |
| Child of adopted person | .. | — | — | 7 | — | — | — | .. | 7 |
| Total | .. | 223 | 53 | 331 | 20 | 2 | — | .. | 629 |

(a) In Victoria, there were 4 applications made from children under 18 years old.

(b) A person may lodge an application in more than one 'relative status' category. A person may also lodge separate applications for identifying and non-identifying information. Numbers for adoptive mothers includes 4 joint applications by adoptive parents for both identifying and non-identifying information. Numbers for birth mothers include 1 joint application by adoptive parents for identifying information and 2 joint applications for non-identifying information.

Note: 'Identifying information' is information, such as the original birth certificate (adopted persons) or the amended birth certificate (birth parents), that identifies the actual person about whom the information is being sought. 'Non-identifying information' does not identify the person about whom the information is sought. This can include age of birth parent(s) and place of birth.

Table 20: Information applications lodged by the adopted person, by age, sex and Indigenous status, for selected states and territories, ^(a) 2002–03

| Age | Indigenous | | | Non-Indigenous | | | | Total | | | |
|--------------|------------|-----------|-----------|----------------|------------|-----------|--------------|------------|------------|-----------|--------------|
| | M | F | P | M | F | U | P | M | F | U | P |
| 18–19 | 1 | — | 1 | 13 | 35 | 2 | 50 | 14 | 35 | 2 | 51 |
| 20–24 | 1 | 1 | 2 | 41 | 57 | 11 | 109 | 42 | 58 | 11 | 111 |
| 25–34 | 6 | 4 | 10 | 211 | 219 | 33 | 463 | 217 | 223 | 33 | 473 |
| 35–44 | 4 | 3 | 7 | 157 | 176 | 22 | 355 | 161 | 179 | 22 | 362 |
| 45+ | 4 | 4 | 8 | 146 | 229 | 26 | 401 | 150 | 233 | 26 | 409 |
| Unknown | — | — | — | 1 | 1 | — | 2 | 1 | 1 | — | 2 |
| Total | 16 | 12 | 28 | 569 | 717 | 94 | 1,380 | 585 | 729 | 94 | 1,408 |

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

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

Table 21: Information applications and contact and information vetoes lodged, 1995–96 to 2002–03

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

Source: AIHW 2002.

Contact and identifying information vetoes

In the case of a veto (or, in Queensland, an objection) on the release of identifying information, a party to an adoption may, in some states and territories, make an application requesting that identifying information not be released to any other party to the adoption. A contact veto can be lodged when a person does not wish to be contacted by another party to the adoption. These vetoes are legally binding and if a person receives identifying information and goes on to contact the other party 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.

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

The principle features of contact and identifying information vetoes lodged in 2002–03 are:

- there were 137 contact and identifying information vetoes lodged (Table 22)
- the number of vetoes lodged decreased significantly between 1995–96 and 2001–02, from 426 to 88. However, between 2001–02 and 2002–03 the number of vetoes lodged increased by 32%, from 88 to 116 (Table 21)
- as in previous years, the number of applications for information far exceeded the number of vetoes lodged against contact or the release of identifying information (Table 21).

The total number of vetoes in place at 30 June 2003 was 9,930 comprising 5,563 contact vetoes and 4,367 identifying information vetoes. This is a decrease of less than 1% from the 9,989 in place at 30 June 2002. The majority of vetoes in place at 30 June 2003 were lodged by the adopted person (53% of contact vetoes and 55% of information vetoes) and the birth mother (38% of contact vetoes and 36% of information vetoes). A small proportion were lodged by adoptive parents (Table 23).

Table 22: Contact or identifying information vetoes lodged, by person lodging veto, for selected states and territories, ^(a) 2002–03

| Contact vetoes | NSW ^(b) | Qld ^(c) | WA ^(d) | SA ^(e) | Tas ^(f) | ACT ^(g) | NT ^(h) | Total |
|---------------------------------------|--------------------|--------------------|-------------------|-------------------|--------------------|--------------------|-------------------|-----------|
| Adopted person | 13 | 2 | 7 | .. | 5 | — | 5 | 32 |
| Adoptive mother | .. | .. | — | .. | — | — | .. | — |
| Adoptive father | .. | .. | — | .. | — | — | .. | — |
| Birth mother | 3 | 1 | 3 | .. | 4 | — | 1 | 12 |
| Birth father | .. | — | — | .. | — | — | — | — |
| Other birth relative(s) | .. | .. | — | .. | — | — | .. | — |
| Other adoptive relative(s) | .. | .. | — | .. | — | — | .. | — |
| Total | 16 | 3 | 10 | .. | 9 | — | 6 | 44 |
| Identifying information vetoes | | | | | | | | |
| Adopted person | .. | 13 | 3 | 43 | .. | .. | .. | 59 |
| Adoptive mother | .. | .. | — | 2 | .. | .. | .. | 2 |
| Adoptive father | .. | .. | — | 2 | .. | .. | .. | 2 |
| Birth mother | .. | 5 | 2 | 22 | .. | .. | .. | 29 |
| Birth father | .. | — | — | 1 | .. | .. | .. | 1 |
| Other birth relative(s) | .. | .. | — | — | .. | .. | .. | — |
| Other adoptive relative(s) | .. | .. | — | — | .. | .. | .. | — |
| Total | .. | 18 | 5 | 70 | .. | .. | .. | 93 |

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

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

(c) In Queensland, identifying information can be provided to birth parents who signed an adoption consent and persons who were adopted before June 1991, providing an objection to the disclosure of identifying information has not been lodged by one of the parties to the adoption.

(d) In Western Australia, other birth relatives (excluding birth parents) cannot lodge information vetoes unless they were party to the adoption. Different rules for veto lodgments apply to adoptions granted after 1 January 1995. A person may lodge a veto in more than one relative status. Both contact and information vetoes by the birth mother include 1 joint application by the birth mother and birth father.

(e) All vetoes in South Australia restrict both contact and information.

(f) The release of identifying information cannot be vetoed in Tasmania.

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

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

Table 23: Number of information and contact vetoes in place at 30 June 2003, by person lodging the application, for selected states and territories^(a)

| Contact vetoes | NSW ^(b) | Qld ^(c) | WA ^(d) | SA ^(e) | Tas ^(f) | ACT ^(g) | NT ^(h) | Total |
|---------------------------------------|--------------------|--------------------|-------------------|-------------------|--------------------|--------------------|-------------------|--------------|
| Number | | | | | | | | |
| Adopted person | 2,329 | 173 | 337 | .. | 59 | 37 | 16 | 2,951 |
| Adoptive mother | .. | .. | 205 | .. | 1 | 21 | .. | 227 |
| Adoptive father | .. | .. | 182 | .. | 3 | 18 | .. | 203 |
| Birth mother | 1,794 | 76 | 192 | .. | 13 | 19 | 5 | 2,099 |
| Birth father | 52 | — | 17 | .. | 1 | 1 | .. | 71 |
| Other birth relative(s) | .. | .. | 5 | .. | 2 | 1 | .. | 8 |
| Other adoptive relative(s) | .. | .. | 1 | .. | — | 2 | .. | 3 |
| Other | .. | .. | 1 | .. | — | — | .. | 1 |
| Total | 4,175 | 249 | 940 | .. | 79 | 99 | 21 | 5,563 |
| Per cent | | | | | | | | |
| Adopted person | 56 | 69 | 36 | .. | 75 | 37 | 76 | 53 |
| Adoptive mother | .. | .. | 22 | .. | 1 | 21 | .. | 4 |
| Adoptive father | .. | .. | 19 | .. | 4 | 18 | .. | 4 |
| Birth mother | 43 | 31 | 20 | .. | 16 | 19 | 24 | 38 |
| Birth father | 1 | — | 2 | .. | 1 | 1 | .. | 1 |
| Other birth relative(s) | .. | .. | 1 | .. | 3 | 1 | .. | — |
| Other adoptive relative(s) | .. | .. | — | .. | — | 2 | .. | — |
| Total | 100 | 100 | 100 | .. | 100 | 100 | .. | 100 |
| Identifying information vetoes | | | | | | | | |
| Number | | | | | | | | |
| Adopted person | .. | 1,743 | 301 | 371 | .. | .. | .. | 2,415 |
| Adoptive mother | .. | .. | 192 | 9 | .. | .. | .. | 201 |
| Adoptive father | .. | .. | 175 | 4 | .. | .. | .. | 179 |
| Birth mother | .. | 1,167 | 146 | 238 | .. | .. | .. | 1,551 |
| Birth father | .. | 5 | 6 | 9 | .. | .. | .. | 20 |
| Other birth relative(s) | .. | .. | 1 | — | .. | .. | .. | 1 |
| Other adoptive relative(s) | .. | .. | — | — | .. | .. | .. | — |
| Total | .. | 2,915 | 821 | 631 | .. | .. | .. | 4,367 |
| Per cent | | | | | | | | |
| Adopted person | .. | 60 | 37 | 59 | .. | .. | .. | 55 |
| Adoptive mother | .. | .. | 23 | 1 | .. | .. | .. | 5 |
| Adoptive father | .. | .. | 21 | 1 | .. | .. | .. | 4 |
| Birth mother | .. | 40 | 18 | 38 | .. | .. | .. | 36 |
| Birth father | .. | — | 1 | 1 | .. | .. | .. | — |
| Other birth relative(s) | .. | .. | — | — | .. | .. | .. | — |
| Other adoptive relative(s) | .. | .. | — | — | .. | .. | .. | — |
| Total | .. | 100 | 100 | 100 | .. | .. | .. | 100 |

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

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

(c) In Queensland, identifying information can be provided to birth parents who signed an adoption consent and persons who were adopted before June 1991 providing an objection to the disclosure of identifying information has not been lodged by one of the parties to the adoption.

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

(e) All vetoes in South Australia restrict both contact and information vetoes.

(f) In Tasmania, contact veto applications were not implemented until 18 June 1999 and the release of identifying information cannot be vetoed.

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

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

Appendix 1: Summary of legislation

Commonwealth

Immigration (Guardianship of Children) Act 1946

Marriage Act 1961

Family Law Reform Act 1996

New South Wales

Adoption Act 2000

Adoption Regulation 2003

Level of court

Supreme Court of New South Wales

Step-parent adoptions

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

Other-relative adoptions

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

Placement adoptions

Eligibility requirements:

- a couple who have been living together continuously for 3 years
- a single person.

The main consideration for any adoption order being made is that it is in the best interests of the child concerned both in childhood and later life.

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

Adoption of Indigenous children

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

Victoria

Adoption Act 1984

Adoption Regulations 1998

Adoption (Amendment) Act 1991

Disability Services and other Acts (Amendment) Act 1997

Adoption (Amendment) Act 2000

Level of court

Supreme Court and County Court

Step-parent and other-relative adoptions

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

A solicitor may prepare an application for formal adoption by a step-parent or other relative. The application must be notified to the Victorian Department of Human Services (VicDHS) 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 VicDHS or an approved non-government agency, including Uniting Care Connections, Anglicare Western, Anglicare Gippsland, Centacare Catholic Family Services, Loddon Mallee Permanent Care St Lukes Anglicare, and Child and Family Services Ballarat.

Placement adoptions

Eligibility requirements:

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

Adoptions are arranged by VicDHS 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 Families (DoF) 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 DoF.

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.

Placement 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, and both applicants must be under 36 years of age. If the applicants have custody of one child, they must be under 40 years 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. For applicants who have not previously adopted a child, the younger of the applicants must be less than 41 years of age and the older of the applicants must be less than 47 years of age. For applicants that have previously adopted a child, the younger of the applicants must be less than 43 years of age and the older of the applicants must be less than 47 years of age.
- 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 DoF is the only agency legally authorised to arrange adoptions in Queensland.

Adoption of Indigenous children

The placement of an Indigenous child available for adoption is undertaken in accordance with the requirements of the *Adoption of Children Act 1964* and the DoF's 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 DoF to place children from an Indigenous background with non-Indigenous adoptive parents.

Western Australia

Adoption Act 1994

Adoption Regulation 1995

Level of court

Family Court of Western Australia

Step-parent adoptions

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

The 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. The DCD is required to provide a complete assessment report to the Court.

Other-relative adoptions

Adoptions by relatives other than step-parents are known as carer adoptions. Carer adoptions can occur only when the child has been in the full-time care of the carers for at least 3 years. All carer adoptions are attended to by the DCD. Carer adoptions include the relatives of the child, foster carers, and adults who are not related but have a parenting order from the Family Court.

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

Placement adoptions

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

All non-relative adoptions are arranged through the DCD.

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

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

All known birth parents must be asked to give consent.

Adoption of Indigenous children

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

South Australia

Adoption Act 1988

Adoption (Miscellaneous) Amendment Act 1996

Level of court

Youth Court of South Australia

Step-parent adoptions

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 a guardianship or custody order will not adequately provide for the interests and welfare of the child. These adoptions can be arranged only through the South Australian Department of Human Services (SADHS).

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 SADHS.

Placement adoptions

Eligibility requirements:

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

Adoptions can be arranged only through the SADHS.

Adoption of Indigenous children

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

Tasmania

Adoption Act 1988

Adoption Regulations 1992

Level of court

Magistrate sitting alone

Step-parent adoptions

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

Other-relative adoptions

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

Placement adoptions

Eligibility requirements:

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

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

Adoption of Indigenous children

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

Australian Capital Territory

Adoption Act 1993

Level of court

Supreme Court

Step-parent adoptions

Adoption by relatives can be arranged only through the Department of Education, Youth and Family Services (DEYFS).

Other-relative adoptions

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

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

Placement adoptions

Eligibility requirements:

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

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

Adoption of Indigenous children

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

Northern Territory

Adoption of Children Act 1994

Level of court

Local Court

Step-parent adoptions

Other arrangements are sought before an adoption order is considered.

Other-relative adoptions

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

Placement adoptions

Eligibility requirements:

- a married couple
- a single person in exceptional circumstances.

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

Adoption of Indigenous children

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

Appendix 2: Glossary

Adoption

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

Adoption order

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

Adoptive parent

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

Age of child

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

Arranging body

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

Government

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

Non-government agency

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

Country of origin

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

Hague Convention (Intercountry Adoption)

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

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

Indigenous status

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

'Known' child adoptions

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

Step-parent

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

Other relative(s)

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

Carer

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

Marital status of the adoptive parent(s)

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

Married

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

De facto

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

Single

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

Marital status of birth mother

Married

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

Not married

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

Placement adoptions

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

Local adoptions

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

Intercountry adoptions

Intercountry adoptions are placement adoptions of children from countries other than Australia. An intercountry adoption can be classified as a 'Hague adoption', if the country has ratified the Hague Convention, or a 'non-Hague adoption', if the country has not ratified the Hague Convention. A non-Hague adoption may also be known as a bilateral adoption.

Appendix 3: Provisions for ‘open’ adoptions

New South Wales

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

Victoria

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

Queensland

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

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

Western Australia

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

South Australia

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

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.

Northern Territory

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

Appendix 4: Appendix tables

Table A4.1: Adoptions, by age, type of adoption and sex, 2002–03

| Age (years) | 'Known' child adoptions | | | | Local placement adoptions | | | Intercountry placement adoptions | | | Total | | | |
|--------------|-------------------------|------------|------------|------------|---------------------------|------------|------------|----------------------------------|------------|------------|------------|------------|------------|------------|
| | M | F | U | P | M | F | P | M | F | P | M | F | U | P |
| | Number | | | | | | | | | | | | | |
| Under 1 | — | — | — | — | 24 | 29 | 53 | 34 | 43 | 77 | 58 | 72 | — | 130 |
| 1–4 | 2 | 1 | — | 3 | 10 | 12 | 22 | 71 | 92 | 163 | 83 | 104 | — | 187 |
| 5–9 | 24 | 18 | — | 42 | 1 | — | 1 | 13 | 16 | 29 | 38 | 34 | — | 72 |
| 10–14 | 24 | 9 | — | 33 | — | 2 | 2 | — | 9 | 9 | 24 | 20 | — | 44 |
| 15+ | 10 | 14 | 1 | 25 | — | — | — | — | — | — | 10 | 14 | 1 | 25 |
| Unknown | — | — | 13 | 13 | — | — | — | — | — | — | — | — | 13 | 13 |
| Total | 60 | 42 | 14 | 116 | 35 | 43 | 78 | 118 | 160 | 278 | 212 | 245 | 14 | 472 |
| | Per cent | | | | | | | | | | | | | |
| Under 1 | — | — | — | — | 71 | 67 | 69 | 29 | 27 | 28 | 27 | 30 | — | 28 |
| 1–4 | 3 | 2 | — | 3 | 26 | 28 | 27 | 60 | 57 | 59 | 39 | 43 | — | 41 |
| 5–9 | 40 | 43 | — | 36 | 3 | — | 1 | 11 | 10 | 10 | 18 | 14 | — | 16 |
| 10–14 | 40 | 21 | — | 28 | — | 5 | 3 | — | 6 | 3 | 11 | 8 | — | 10 |
| 15+ | 17 | 33 | 7 | 22 | — | — | — | — | — | — | 5 | 6 | 100 | 5 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |

Note: Data from New South Wales, Western Australia and Tasmania include persons aged 18 years or older (22 in total).

Table A4.2: Local placement adoptions, by type of arranging body, 2002–03

| Arranging body | Number of local adoptions |
|-----------------------|---------------------------|
| Government | 59 |
| Non-government agency | 19 |
| Total | 78 |

Table A4.3: Proportion of intercountry placement adoptions by state and territory and the proportion of the total population by state and territory, 1998-99 to 2002-03

| | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total ^(a) |
|--|---------|---------|---------|---------|---------|-------|-------|-------|----------------------|
| Number of intercountry adoptions | | | | | | | | | |
| 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 |
| Proportion of total intercountry adoptions | | | | | | | | | |
| 1998-99 | 23.4 | 24.2 | 14.8 | 8.2 | 18.4 | 4.9 | 4.5 | 1.6 | 100 |
| 1999-00 | 18.3 | 25.2 | 19.9 | 8.6 | 18.6 | 4.3 | 3.7 | 1.3 | 100 |
| 2000-01 | 29.4 | 20.8 | 13.8 | 6.9 | 15.2 | 4.8 | 6.2 | 2.8 | 100 |
| 2001-02 | 24.1 | 25.2 | 11.2 | 9.9 | 18.4 | 5.4 | 3.1 | 2.7 | 100 |
| 2002-03 | 21.9 | 21.2 | 10.4 | 8.6 | 24.5 | 5.4 | 5.4 | 2.5 | 100 |
| Population at 31 December ('000) | | | | | | | | | |
| 1998 | 6,373.6 | 4,661.7 | 3,472.9 | 1,836.1 | 1,493.6 | 471.9 | 310.5 | 191.3 | 18,811.6 |
| 1999 | 6,448.0 | 4,713.2 | 3,530.8 | 1,861.8 | 1,502.4 | 471.6 | 313.5 | 194.3 | 19,035.7 |
| 2000 | 6,527.4 | 4,770.0 | 3,592.4 | 1,887.7 | 1,508.0 | 471.4 | 316.8 | 196.3 | 19,270.0 |
| 2001 | 6,608.8 | 4,836.2 | 3,664.3 | 1,913.9 | 1,515.7 | 472.1 | 320.3 | 197.6 | 19,528.9 |
| 2002 | 6,671.4 | 4,902.9 | 3,750.5 | 1,940.5 | 1,524.1 | 474.4 | 322.7 | 197.4 | 19,784.0 |
| Proportion of total population at 31 December | | | | | | | | | |
| 1998 | 33.9 | 24.8 | 18.5 | 9.8 | 7.9 | 2.5 | 1.7 | 1.0 | 100 |
| 1999 | 33.9 | 24.8 | 18.5 | 9.8 | 7.9 | 2.5 | 1.6 | 1.0 | 100 |
| 2000 | 33.9 | 24.8 | 18.6 | 9.8 | 7.8 | 2.4 | 1.6 | 1.0 | 100 |
| 2001 | 33.8 | 24.8 | 18.8 | 9.8 | 7.8 | 2.4 | 1.6 | 1.0 | 100 |
| 2002 | 33.7 | 24.8 | 19.0 | 9.8 | 7.7 | 2.4 | 1.6 | 1.0 | 100 |

(a) Total population excludes external territories.

Sources: AIHW 2002; ABS various years.

Table A4.3: Intercountry placement adoptions, by country of origin, 1992–93 to 2002–03

| Country of birth | 1992 –93 | 1993 –94 | 1994 –95 | 1995 –96 | 1996 –97 | 1997 –98 | 1998 –99 | 1999 –00 | 2000 –01 | 2001 –02 | 2002 –03 | Total |
|----------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Number | | | | | | | | | | | | |
| China | — | — | — | 3 | 1 | — | — | 1 | 15 | 39 | 46 | 105 |
| Colombia | 26 | 22 | 16 | 40 | 23 | 14 | 11 | 17 | 15 | 9 | 7 | 200 |
| Ethiopia | — | 3 | — | 5 | 16 | 37 | 34 | 46 | 37 | 36 | 39 | 253 |
| Fiji | — | — | — | 13 | — | 18 | 12 | 5 | 3 | 5 | — | 56 |
| India | 20 | 22 | 29 | 20 | 35 | 28 | 30 | 37 | 40 | 40 | 33 | 334 |
| South Korea | 50 | 64 | 71 | 94 | 84 | 69 | 70 | 77 | 75 | 93 | 101 | 848 |
| Philippines | 17 | 14 | 22 | 22 | 27 | 19 | 10 | 29 | 18 | 12 | 18 | 208 |
| Romania | — | — | 3 | — | 5 | 5 | 17 | 36 | 22 | 2 | 1 | 91 |
| Sri Lanka | 38 | 33 | 18 | 14 | — | 3 | 5 | 3 | 4 | 2 | 2 | 122 |
| Thailand | 26 | 20 | 25 | 18 | 34 | 26 | 25 | 33 | 35 | 28 | 17 | 287 |
| Other ^(a) | 50 | 44 | 40 | 45 | 44 | 26 | 30 | 17 | 25 | 28 | 14 | 363 |
| Total | 227 | 222 | 224 | 274 | 269 | 245 | 244 | 301 | 289 | 294 | 278 | 2,867 |
| Per cent | | | | | | | | | | | | |
| China | — | — | — | 1 | — | — | — | — | 5 | 13 | 16 | 4 |
| Colombia | 11 | 10 | 7 | 15 | 9 | 6 | 5 | 6 | 5 | 3 | 3 | 7 |
| Ethiopia | — | 1 | — | 2 | 6 | 15 | 14 | 15 | 13 | 12 | 14 | 9 |
| Fiji | — | — | — | 5 | — | 7 | 5 | 2 | 1 | 2 | — | 2 |
| India | 9 | 10 | 13 | 7 | 13 | 11 | 12 | 12 | 14 | 14 | 12 | 12 |
| South Korea | 22 | 29 | 32 | 34 | 31 | 28 | 29 | 26 | 26 | 32 | 36 | 30 |
| Philippines | 7 | 6 | 10 | 8 | 10 | 8 | 4 | 10 | 6 | 4 | 6 | 7 |
| Romania | — | — | 1 | — | 2 | 2 | 7 | 12 | 8 | <1 | <1 | 3 |
| Sri Lanka | 17 | 15 | 8 | 5 | — | 1 | 2 | 1 | 1 | <1 | 1 | 4 |
| Thailand | 11 | 9 | 11 | 7 | 13 | 11 | 10 | 11 | 12 | 10 | 6 | 10 |
| Other ^(a) | 22 | 20 | 18 | 16 | 16 | 11 | 12 | 6 | 9 | 10 | 5 | 13 |
| Total | 100 |

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

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

Source: AIHW 2002.

Table A4.5: Visa Subclass 102 issued during 2002–03

| Country of origin | State/territory Adoptions | Parent 12 months overseas | Total |
|--|----------------------------------|----------------------------------|--------------|
| Bolivia | 1 | — | 1 |
| Brazil | 1 | — | 1 |
| Burkina Faso | 1 | — | 1 |
| China, Peoples Republic of | 46 | 5 | 51 |
| Colombia | 8 | — | 8 |
| Czech Republic | — | 1 | 1 |
| Ethiopia | 53 | — | 53 |
| Fiji | 2 | 2 | 4 |
| Greece | — | 1 | 1 |
| Guatemala | 1 | — | 1 |
| Hong Kong Special Administrative Region of the Peoples Republic of China | 3 | 4 | 7 |
| India | 35 | 1 | 36 |
| Indonesia | — | 1 | 1 |
| Japan | — | 1 | 1 |
| Korea, Republic of | 106 | — | 106 |
| Lao Peoples Democratic Republic | — | 1 | 1 |
| Malaysia | — | 4 | 4 |
| Nicaragua | 1 | — | 1 |
| Philippines | 43 | 1 | 44 |
| Poland | — | 1 | 1 |
| Russian Federation | — | 3 | 3 |
| South Africa, Republic of | — | 1 | 1 |
| Sri Lanka | 2 | 2 | 4 |
| Suriname | — | 1 | 1 |
| Taiwan | 7 | — | 7 |
| Thailand | 39 | — | 39 |
| United States of America | — | 1 | 1 |
| Vietnam | — | 1 | 1 |
| Total | 303 | 32 | 381 |

Notes

1. This table relates to visa class 102 that were issued during the financial year 2002–03. Not all children who are issued visas entered Australia during 2002–03.
2. Only the persons recorded by the Department of Immigration, Multicultural and Indigenous Affairs are included in this table.

Source: DIMA, pers. comm., 11 September 2003.

Table A4.6: Placement adoptions, by number of children placed with other siblings, 2002–03

| Type of adoption | Number of sibling adoptions |
|--------------------------------|------------------------------------|
| Local adoptions | — |
| Intercountry | — |
| Hague adoption | — |
| Non-Hague adoption | 29 |
| Total sibling adoptions | 29 |

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

Appendix 5: Countries party to the Hague Convention

| Country | Date Convention came into effect | Country | Date Convention came into effect |
|--------------------------|----------------------------------|-----------------------------|----------------------------------|
| Albania | 1 January 2001 | Italy | 1 May 2000 |
| Andorra ^(a) | 1 May 1997 | Latvia | 1 December 2002 |
| Australia | 1 December 1998 | Lithuania ^(a) | 1 August 1998 |
| Austria | 1 September 1999 | Luxembourg | 1 November 2002 |
| Belarus | 1 November 2003 | Mauritius ^(a) | 1 January 1999 |
| Bolivia | 1 July 2002 | Mexico | 1 May 1995 |
| Brazil | 1 July 1999 | Moldova ^(a) | 1 August 1998 |
| Bulgaria | 1 September 2002 | Monaco ^(a) | 1 October 1999 |
| Burkina Faso | 1 May 1996 | Mongolia ^(a) | 1 August 2000 |
| Burundi ^(a) | 1 February 1999 | Netherlands | 1 October 1998 |
| Canada | 1 April 1997 | New Zealand ^(a) | 1 January 1999 |
| Chile | 1 November 1999 | Norway | 1 January 1998 |
| Colombia | 1 November 1998 | Panama | 1 January 2000 |
| Costa Rica | 1 February 1996 | Paraguay ^(a) | 1 September 1998 |
| Cyprus | 1 June 1995 | Peru | 1 January 1998 |
| Czech Republic | 1 June 2000 | Philippines | 1 November 1996 |
| Denmark | 1 November 1997 | Poland | 1 October 1995 |
| Ecuador | 1 January 1996 | Romania | 1 May 1995 |
| El Salvador | 1 March 1999 | Slovakia | 1 October 2001 |
| Estonia | 1 June 2002 ^(a) | Slovenia | 1 May 2002 |
| Finland | 1 July 1997 | South Africa ^(a) | 1 December 2003 |
| France | 1 October 1998 | Spain | 1 November 1995 |
| Georgia ^(a) | 1 August 1999 | Sri Lanka | 1 May 1995 |
| Germany | 1 March 2002 | Sweden | 1 September 1997 |
| Guatemala ^(a) | 1 March 2003 | Switzerland | 1 January 2003 |
| Iceland ^(a) | 1 May 2000 | United Kingdom | 1 June 2003 |
| India | 1 October 2003 | Venezuela | 1 May 1997 |
| Israel | 1 June 1999 | <i>Total countries</i> | <i>53</i> |

(a) These countries have acceded to the Convention.

Notes

1. This information is correct as at November 2003.
2. The following countries have signed, but are yet to ratify, the Convention: Belgium, China, Ireland, Portugal, Russian Federation, Turkey, United States and Uruguay.

Source: Hague Conference on Private International Law web site URL www.hcch.net/e/status/adoshte.html.

Appendix 6: Access to information and veto systems

New South Wales

Access to information

In New South Wales, the *Adoption Information Act 1990* enables an adoptee 18 years or older to have access to his or her original birth certificate and to information that will give knowledge of his or her origins. It also enables birth parents to have access to details of their child's adopted identity when that child reaches 18 years of age, and to information that will give birth parent(s) knowledge of the child's life after adoption, such as their health and welfare while the child is under the age of 18 years. With the permission of the adoptive parents identifying information may be released.

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

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

Veto system

Birth parents and adult adoptees are able to lodge a contact veto. On the lodgment of such a document it becomes an offence for the information recipient to try to make contact with the person who imposed the contact veto. Information about that person can be released only if the applicant for the information gives an undertaking not to use the information to seek contact.

Victoria

Access to information

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

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

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

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

Veto system

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

Queensland

Access to information

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

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

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

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

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

Veto (objection) system

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

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

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

Western Australia

Access to information

At the time of placement of a child, an adoption plan must be negotiated between the birth parents and adoptive parents to facilitate the sharing of information about the child. In Western Australia, birth parents, adoptive parents and adopted persons over 18 years of age may obtain non-identifying information about the adoption from departmental records. All parties to an adoption can have access to birth and court records if there is no information veto.

Veto system

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

Under the *Adoption Act 1994*, where the adoption occurred before 1 January 1995 an adopted person aged 18 years or over, birth parents and adoptive parents can have access to birth records and adoption court records (i.e. identifying information) provided there is no information veto lodged by an adoption party (i.e. birth parents, adoptive parents or adoptee over 18 years).

Less restrictive access to identifying information applies for adopted people, adoptive parents and birth parents where the adoption occurred after 1 January 1995. Additionally, adoptive relatives and birth relatives can also have access to birth records under certain circumstances provided parties are over 18 years of age.

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

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

South Australia

Access to information

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

Veto system

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

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

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

Tasmania

Access to information

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

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

Veto system

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

Australian Capital Territory

Access to information

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

Veto system

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

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

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

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

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.

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.

References

ABS (Australian Bureau of Statistics) various years. Australian demographic statistics Catalogue No. 3101.0. Canberra: ABS.

AIHW (Australian Institute of Health and Welfare) 2002. Adoptions Australia 2001–02. Child Welfare Series no. 30. AIHW cat. no. CWS 18. Canberra: Australian Institute of Health and Welfare.

AIHW: Bentley R & Broadbent A 1997. Adoptions Australia 1995–96. Child Welfare Series no. 19. AIHW cat. no. CWS 3. Canberra: Australian Institute of Health and Welfare.

Boss P 1992. Adoption Australia: a comparative study of Australian adoption legislation and policy. Notting Hill: National Children's Bureau of Australia.

Lock JA 1997. The Aboriginal child placement principle: research project no. 7. Sydney: New South Wales Law Reform Commission.

Stonehouse B 1992. Adoption law in Australia. Australian Family Briefings no. 1. Melbourne: Australian Institute of Family Studies.

Tasmania DCHS (Department of Community and Health Services) 1994. Changing a child's surname: choices for step-parents. Hobart: Tasmania DCHS.

Williams D 1998. New era in intercountry adoption. News release, Attorney-General, 30 November 1998.