

Adoptions Australia 2001–02

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Abbreviations

ABS	Australian Bureau of Statistics
AIHW	Australian Institute of Health and Welfare
DEYFS	Department of Education, Youth and Family Services (ACT)
DCD	Department for Community Development (Western Australia)
DCS	Department of Community Services (New South Wales)
DoF	Department of Families (Queensland)
DHCS	Department of Health and Community Services (Northern Territory)
DHHS	Department of Health and Human Services (Tasmania)
DIMA	Department of Immigration and Multicultural 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 2001 to 30 June 2002. 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 the adoption.

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

- There were 561 adoptions of children in Australia in 2001-02, an increase of 9% from the 514 adoptions in 2000-01.
- 52% (294) of the adoptions were intercountry placement adoptions, 29% (160) were 'known' child adoptions and 19% (107) were local placement adoptions.
- Of the 160 'known' child adoptions, 64% were adoptions by step-parents, 33% by carers and 3% by other relatives.
- The age of the child varied depending on the type of adoption. For example, in local placement adoptions the highest proportion of children (83%) were aged under 1 year, in intercountry placement adoption the highest proportion (51%) were aged 1-4 years and for 'known' child adoptions the majority of the children (92%) were aged 5 years and over.
- For intercountry adoptions, nearly one-third (32%) of the children adopted were from South Korea, 14% were from India, 13% were from China and 12% from Ethiopia.
- For local placement adoptions, where the age of the birth mother was known, 71% of mothers were under the age of 30, with the mean age being 24.
- For all placement adoptions, 81% of the adoptive mothers and 87% of the adoptive fathers were aged 35 and over. Most of the children were adopted by parents who were married. Additionally, 64% of the children were adopted by parents who had no other children in the family.
- There were 4,159 information applications made, of which 73% were made by the adopted person – 88% of these people were aged over 25 years.
- There were 88 contact and identifying information vetoes lodged, a 22% decrease from the 113 lodged in 2000-01.

1 Adoptions in Australia 2001–02

Introduction

The Australian Institute of Health and Welfare (AIHW) is funded by the community services departments in each State and Territory to collect and publish national data on child protection and adoptions. The 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 2001 to 30 June 2002. 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 period 1 July 2001 to 30 June 2002. 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).

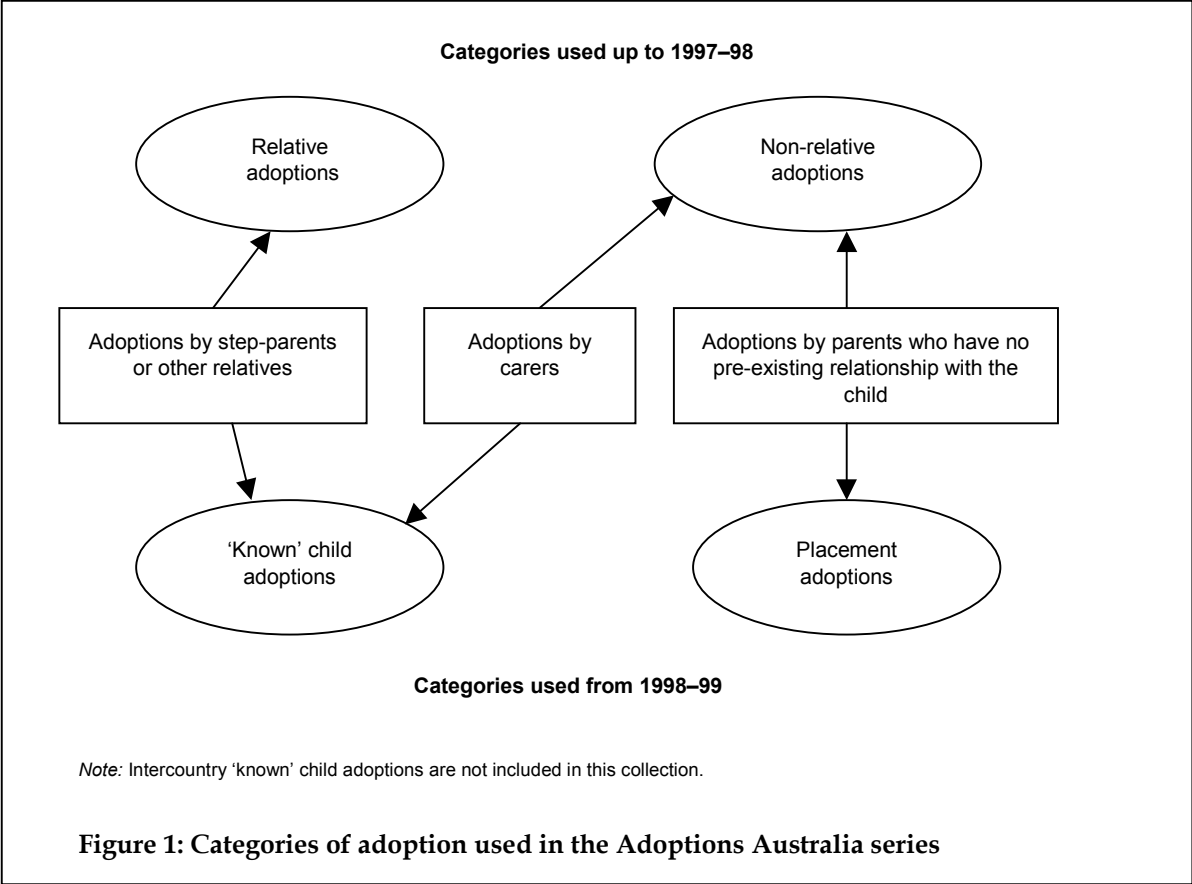
Categories of adoption

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 service 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 this report 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).

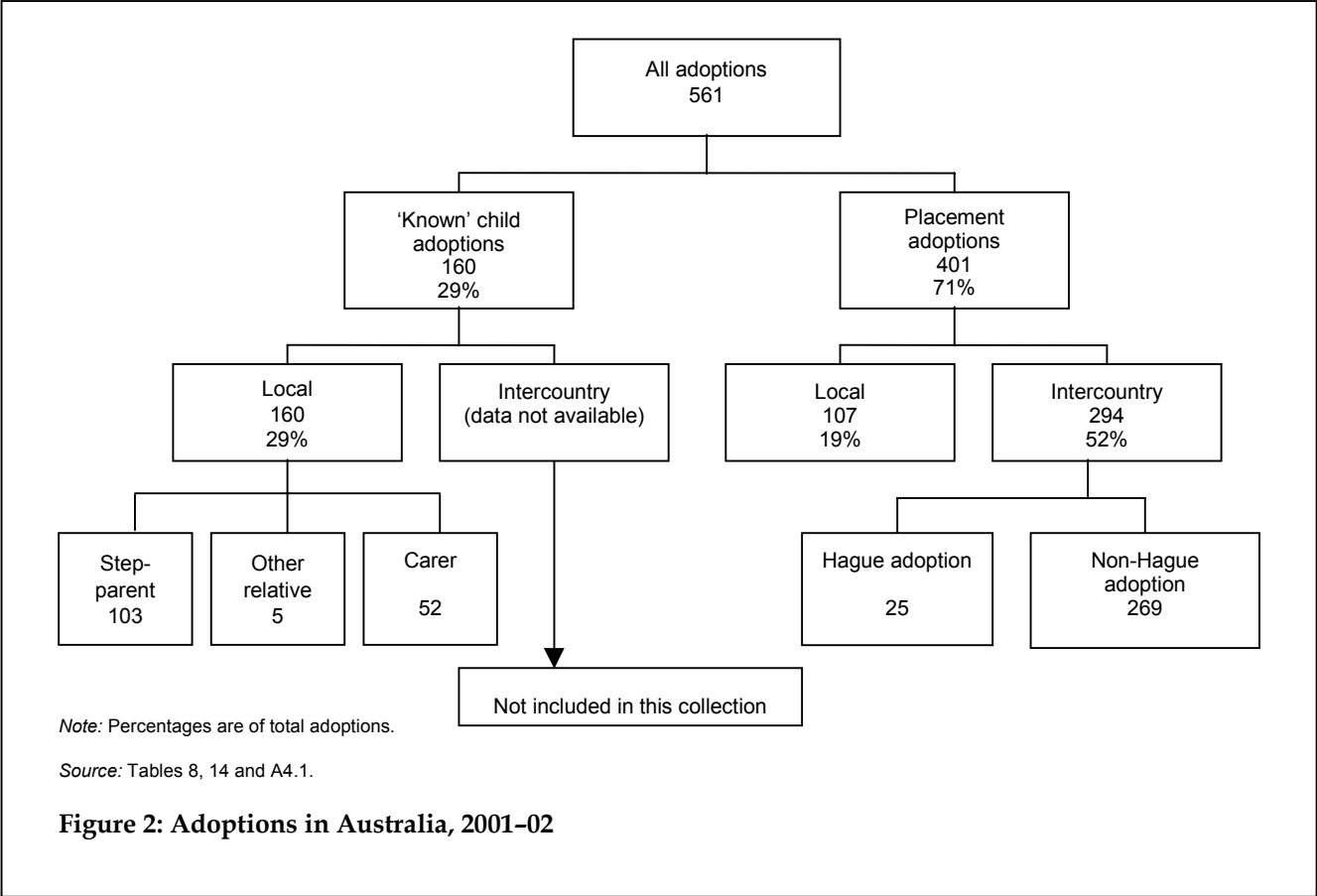


Overview of adoptions in Australia 2001–02

In 2001–02 there were 561 adoptions of children in Australia. This is an increase of 9% from the 514 adoptions in 2000–01. There was an increase in the number of both local and intercountry placement adoptions.

The main features regarding adoptions in 2001–02 are:

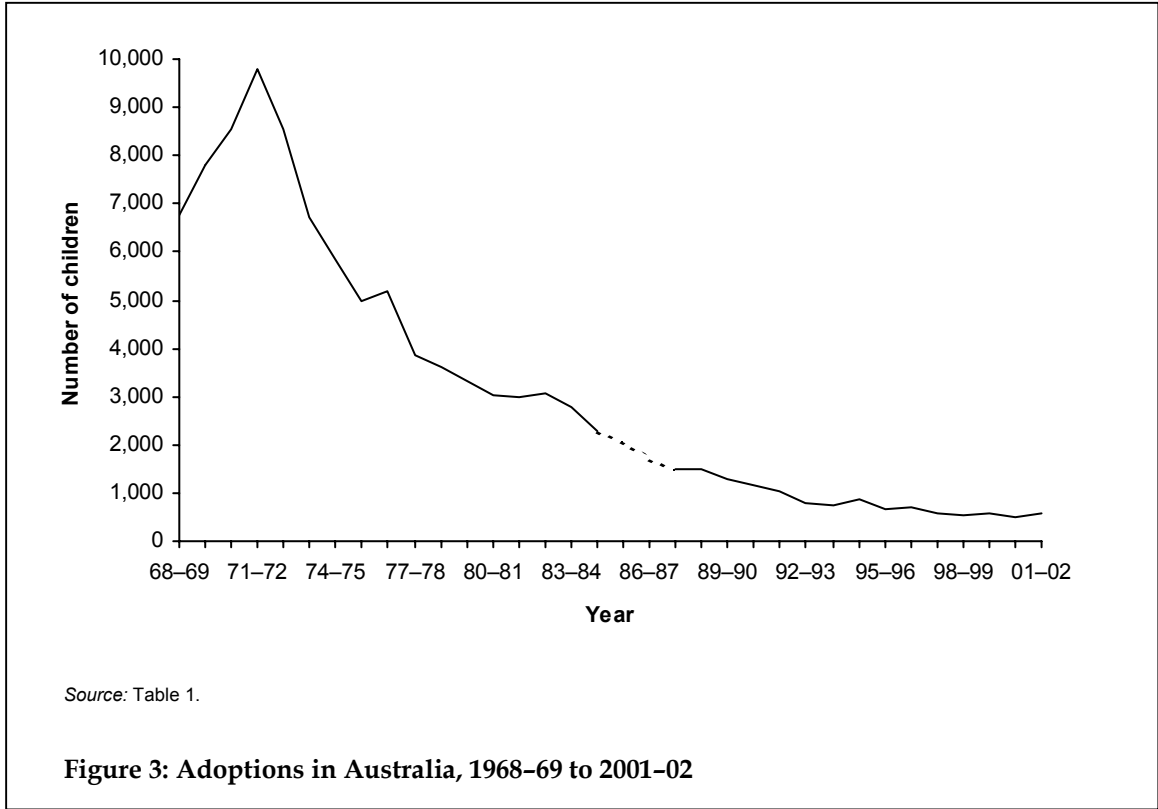
- 71% (401) were placement adoptions and 29% (160) were ‘known’ child adoptions (Figure 2)
- 48% (267) of adoptions were of local children (‘known’ child and placement) and 52% (294) were of children from outside Australia (Figure 2)
- of the 160 ‘known’ child adoptions, 64% (103) were adoptions by step-parents, 33% (52) by carers, and 3% (5) by other relatives (Figure 2)
- there were 107 placement adoptions of local children and 294 placement adoptions of children from outside Australia (Figure 2).



Trends in adoption

There was a substantial fall in the number of adoptions from the early 1970s to 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 561 in 2000–01 (Table 1). These fluctuations are due mainly to variations in the number of local placement and ‘known’ child adoptions. The exception to this was in 1999–00 where the introduction of the Hague Convention (see page 12) led to an increase in the number of intercountry adoptions.

Table 1: Adoptions by State and Territory, 1968–69 to 2001–02

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

(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.

Sources: ABS (various years); WELSTAT (various years); AIHW 2002.

2 Detailed information

Placement adoptions

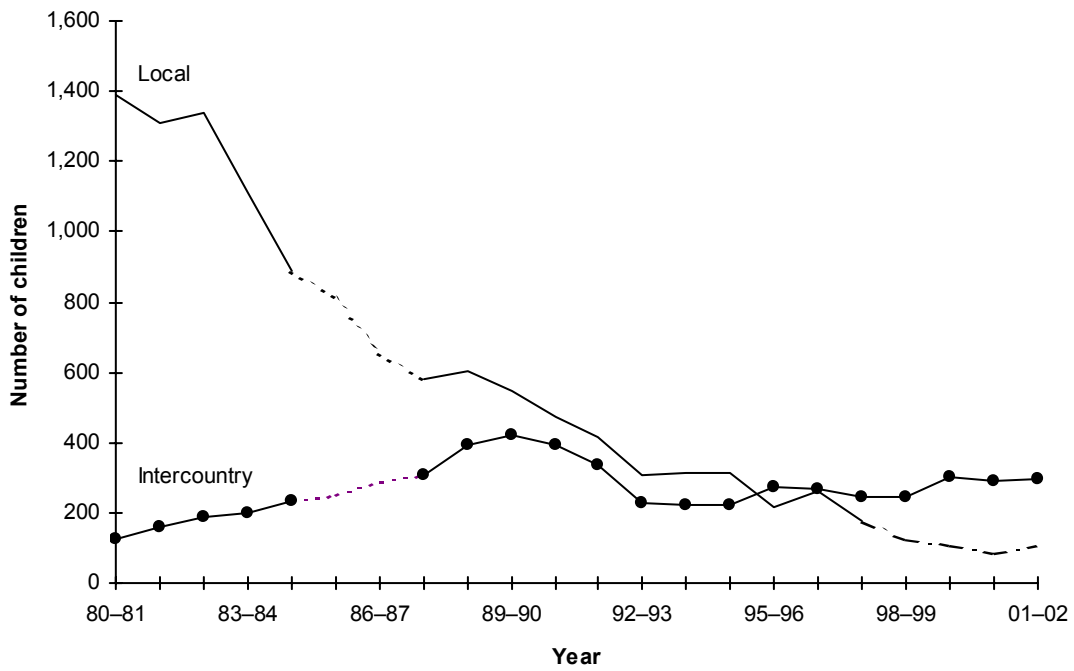
Placement adoptions are adoptions where the child is legally available and placed for adoption and the child and the adoptive parents have generally had no previous contact or relationship. There are two types of placement adoptions: **local placement adoptions** – for adoptions of children who are residents 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. A couple wishing to adopt a child must satisfy the department or agency concerned that they will be suitable parents. In Queensland, the Northern Territory and Tasmania only married couples are allowed to adopt, 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

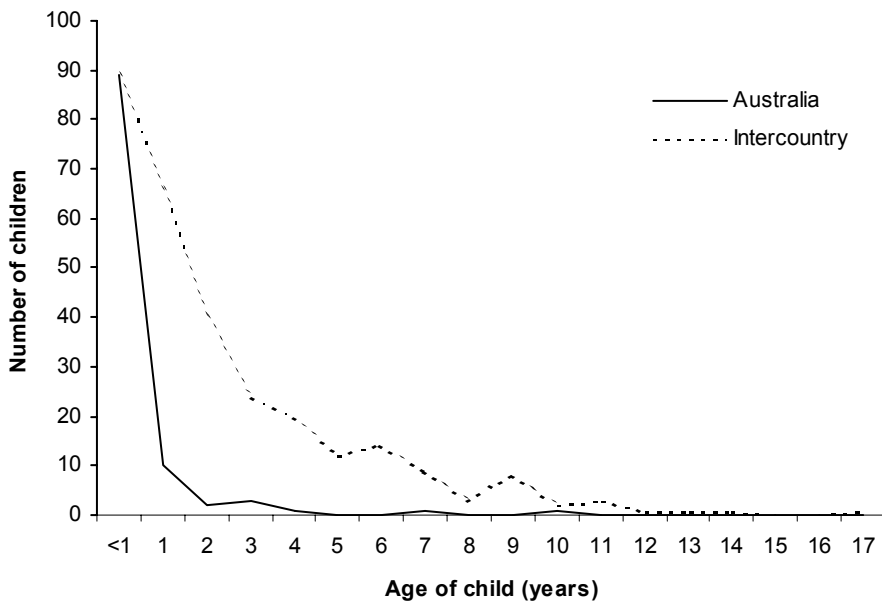
The number of adoptions by non-relatives decreased significantly from the early 1980s to the late 1990s, from more than 1,500 in 1980–81 to 423 in 1997–98. This was due mainly to the decrease in the number of adoptions of local children by non-relatives, from 1,388 in 1980–81 to 178 in 1997–98. In 1998–99, 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 fell from 127 to 85 between 1998–99 and 2000–01, but then rose to 107 in 2001–02.

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 Adoptions* in December 1998 and the bilateral agreement which was signed with China in 1999 (see page 12).



Source: 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 2001-02



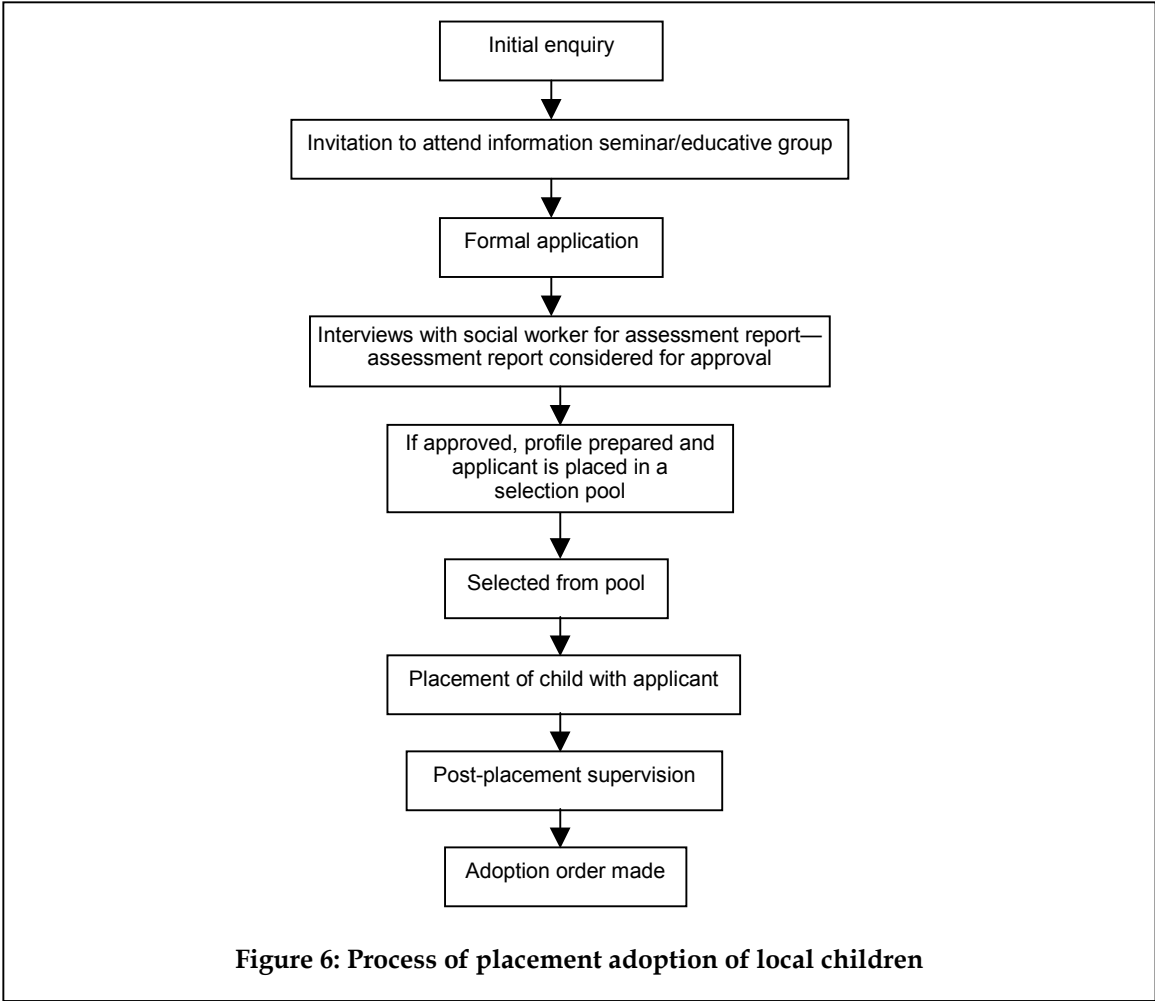
Source: AIHW unpublished data. See also Table A4.1.

Figure 5: Age distribution of placement adoptions by age of child, 2001-02

Local children in placement adoptions tend to be younger than children adopted from other countries (Figure 5). In 2001–02, 83% of children in local placement adoptions were aged under 1 year compared with 30% 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 2001–02

The principal features of the 107 local placement adoptions in 2001–02 were:

- 50% of these adoptions were of males and 50% of females (Table A4.1)
- 83% of these adoptions were of children aged under 1 year (Table A4.1)

- 67 (63%) of the local placement adoptions were arranged by the community services departments, the other 40 (37%) were arranged by non-government organisations (Table A4.2)
- where the age of the birth mother was known (104 adoptions), 71% of mothers were under the age of 30 years with the mean age being 24 years (Table 3)
- for those adoptions where the legal marital status of the birth mother was known (94 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 (95 adoptions), the majority were 'open' with only 6% requesting 'no contact' (Table 5)
- 58% of the consents to the adoption were given by the mother only and 41% 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 2001–02

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

(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).

Sources: WELSTAT (various years); AIHW 2002.

Table 3: Local placement adoptions by age and marital status of birth mother, 2001-02

Age (years)	Married		Not married		Unknown	Total	
	No.	%	No.	%		No.	%
Under 20	—	—	16	18	2	18	17
20-24	1	14	28	32	6	35	34
25-29	1	14	17	20	3	21	20
30-34	3	43	5	6	—	8	8
35-39	2	29	12	14	1	15	14
40+	—	—	6	7	1	7	7
Unknown	—	—	3	3	—	3	..
Total	7	100	87	100	13	107	100

Table 4: Local placement adoptions by marital status of birth mother, 1987-88 to 2001-02

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

Sources: WELSTAT (various); AIHW 2002.

Table 5: Local placement adoptions by type of agreement, for selected States and Territories, 2001–02

Type of agreement	Total	Per cent
Contact and information exchange	75	79
Contact only	1	1
Information exchange only	13	14
No contact	6	6
Unknown	2	..
Not applicable	10	..
Total^(a)	107	100

(a) Queensland has no provision for information exchange and contact agreements at the time of the adoption (10 adoptions).

Table 6: Local placement adoptions by type of consent, 2001–02

Type of consent given	Number	Per cent
Mother only	61	58
Father only	—	—
Mother and father	43	41
Dispensations	1	1
Unknown	2	..
Total	107	100

Note: There were 13 dispensations for fathers' consent, 6 in Queensland and 7 in Western Australia. These adoptions are included in the 'Mother only' category.

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, 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 Co-operation in Respect of Intercountry Adoption*:

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

To date, a total of 49 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 parents in Australia who wish to adopt children from other countries because it establishes uniform procedures to be followed by the countries who are parties to the Convention. The Convention also ensures that the child's best interests are safeguarded. 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.

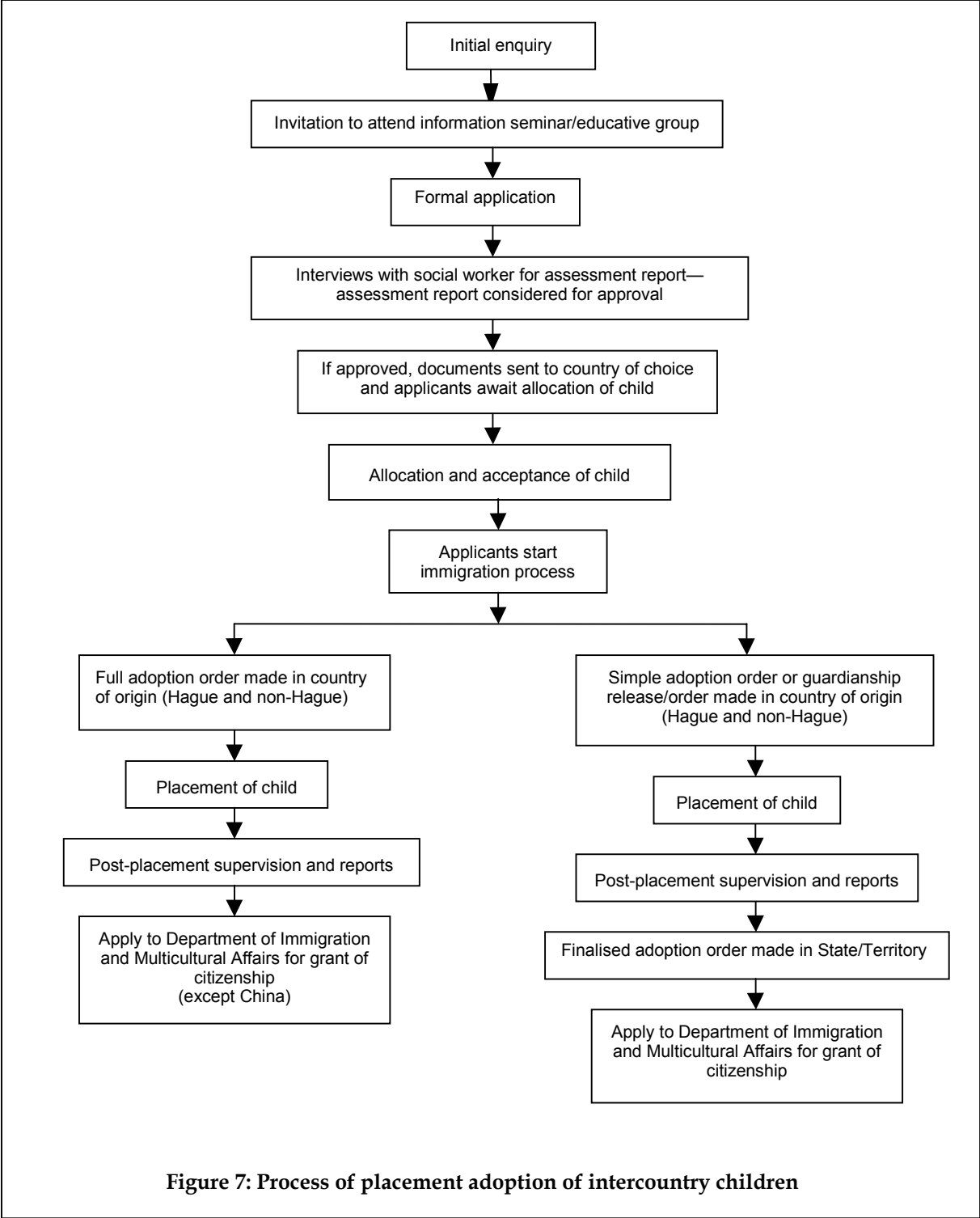


Figure 7: Process of placement adoption of intercountry children

Intercountry placement adoptions in 2001–02

The main points to note regarding the 294 intercountry placement adoptions in 2001–02 are:

- 50% of the children adopted were male and 50% were female (Table A4.1)
- 51% of intercountry children were aged 1–4 years, and 30% were aged under 1 year (Table A4.1)
- 93 (32%) of intercountry children adopted were from South Korea, 40 (14%) from India, 39 (13%) from China and 36 (12%) from Ethiopia (Table 8)
- there were 25 Hague adoptions – 12 from the Philippines, 9 from Colombia, 2 from Romania and 2 from Sri Lanka. In 13 of the adoptions, the adoption order was made in the country of origin (Table 9).

Over the last few years, the numbers of adoptions from South Korea and China increased considerably, and the numbers from Fiji and Romania decreased considerably. Since 1991–92, of the total number of intercountry children adopted, 29% came from South Korea, 11% from India and 10% from Thailand (Table A4.3).

Table 7: Intercountry placement adoptions by State and Territory, 1987–88 to 2001–02

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

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'.

Sources: WELSTAT (various years); AIHW 2002.

Table 8: Intercountry placement adoptions by country of birth and State and Territory, 2001-02

Country of origin	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Hague adoptions									
Colombia	9	—	—	—	—	—	—	—	9
Philippines	—	5	1	1	3	1	1	—	12
Romania	1	1	—	—	—	—	—	—	2
Sri Lanka	1	1	—	—	—	—	—	—	2
Non-Hague adoptions									
Bolivia	3	—	—	—	—	—	—	—	3
China	19	11	1	2	3	2	1	—	39
Ethiopia	5	8	4	3	8	5	2	1	36
Fiji	—	4	1	—	—	—	—	—	5
Guatemala	2	4	—	—	—	—	—	—	6
Hong Kong	—	1	1	3	4	—	—	1	10
India	2	12	1	9	10	2	1	3	40
South Korea	19	17	20	11	19	—	4	3	93
Sri Lanka*	—	1	—	—	—	—	—	—	1
Taiwan	4	—	2	—	—	—	—	—	6
Thailand	4	9	2	—	7	6	—	—	28
Tonga	1	—	—	—	—	—	—	—	1
Uganda	1	—	—	—	—	—	—	—	1
Total	71	74	33	29	54	16	9	8	294

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, 2001-02

Country of origin	Adoption order in the country of origin	Guardianship order	Total
Colombia	9	—	9
Philippines	—	12	12
Romania	2	—	2
Sri Lanka	2	—	2
Total	13	12	25

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 2001-02, there were 15 visas issued for children whose adoptive parents were overseas for 12 months or more (Department of Immigration and Multicultural Affairs, pers. comm., 30 July 2002). This is large decrease from the 42 issued in 2000-01 (AIHW 2002:17). A further 268 visas were issued for bilateral adoptions and 41 for Hague Convention adoptions (Table A4.4).

Placement of children

For the first time in 2001–02, the AIHW collected 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 2001 for both local and intercountry placement adoptions. Previously only intercountry placement adoptions were counted.

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 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 401 children placed for adoption in 2001–02 (Table 10), which is coincidentally exactly the same as the number of placement adoption orders that were finalised during the year.

Table 10: Placement adoptions: number of children who were placed for adoption, regardless of whether the adoption order was finalised, 2001–02

Type of adoption	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Local placement	56	22	10	6	1	3	4	1	103
Intercountry placement									
Hague adoption	21	9	—	2	3	3	2	—	40
Non-Hague adoption	69	63	26	24	45	9	11	11	258
Total	146	94	36	32	49	15	17	12	401

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 2.

The main points to note in relation to the characteristics of families of children in placement adoptions in 2001–02 are:

- the majority of adoptive mothers (321 or 81%) were aged 35 and over, with 207 (52%) aged 40 years and over (Table 11)
- over half the adoptive fathers (208 or 54%) were aged over 40 years, with 94 (25%) aged 45 years and over (Table 11)
- 374 children (94%) were adopted by couples who were married, 15 (4%) by single people and 11 (3%) by de facto couples (Table 12)
- 257 children (64%) were adopted by parent(s) who had no other children in the family, 69 (17%) by parent(s) who had other adopted children, 62 (16%) by parent(s) who had other biological children and 12 (3%) by parent(s) with both adopted and biological children in the family (Table 13)
- 19 children were adopted with their siblings, most of these being two children adopted together (Table A4.5).

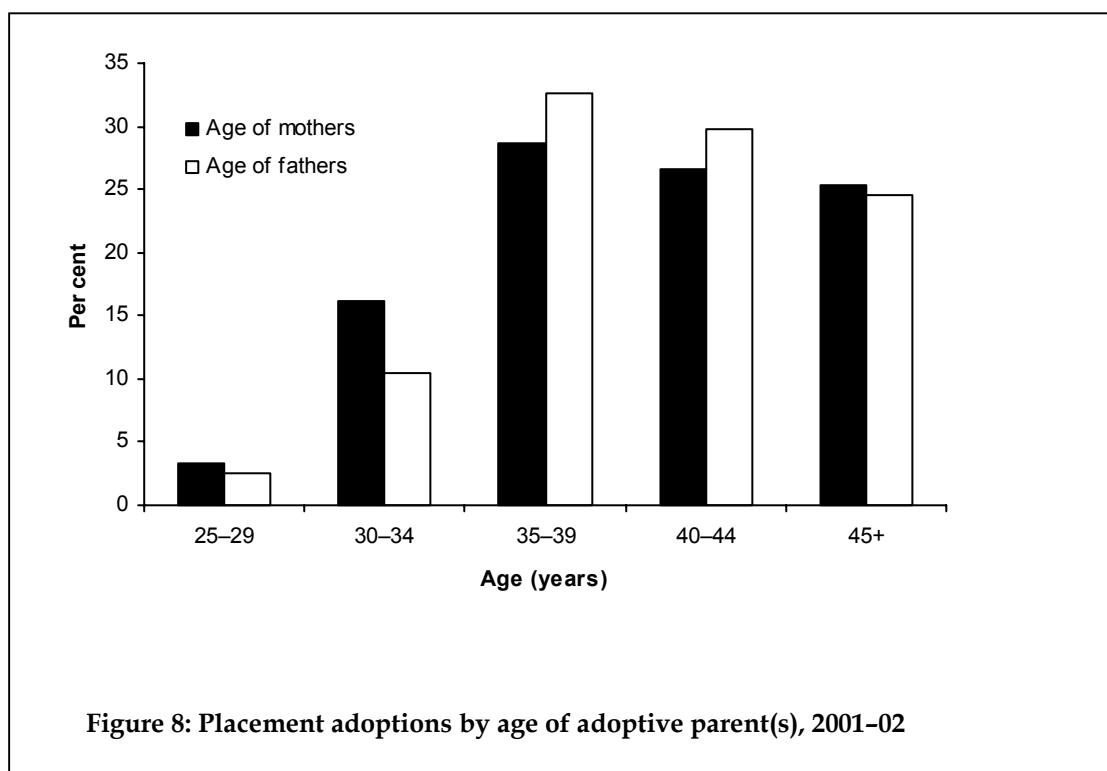


Table 11: Placement adoptions by age of the adoptive parent(s), 2001-02

Type of adoption	Years						Unknown	Total
	Under 25	25-29	30-34	35-39	40-44	45+		
Age of mother								
Local adoptions	—	1	27	37	27	12	3	107
Intercountry								
Hague adoption	—	3	2	3	6	10	—	24
Non-Hague adoption	—	9	35	74	73	79	—	270
Total placement adoptions	—	13	64	114	106	101	3	401
Age of father								
Local adoptions	—	0	15	44	31	14	3	107
Intercountry								
Hague adoption	—	1	3	5	5	9	—	23
Non-Hague adoption	—	9	22	76	78	71	—	256
Total placement adoptions	—	10	40	125	114	94	3	386

Note: Totals for father do not add to total number adoptions (401) as 15 women were single.

Table 12: Placement adoptions by family type, 2001-02

Type of adoption	Marital status of the adoptive parent(s)				Total
	Married couples	De facto couples	Single person	Unknown	
Local adoptions	107	—	—	—	107
Intercountry					
Hague adoption	24	—	1	—	25
Non-Hague adoption	243	11	14	1	269
Total placement adoptions	374	11	15	1	401

Table 13: Placement adoptions by composition of the adoptive family, 2001-02

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	67	11	20	8	1	107
Intercountry						
Hague adoption	15	6	4	—	—	25
Non-Hague adoption	175	45	45	4	—	269
Total placement adoptions	257	62	69	12	1	401

‘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 6 years (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 adoptee.

The main points to be noted regarding the 160 ‘known’ child adoptions in 2001–02 are that:

- 103 adoptions (64%) were by step-parents, 52 (33%) were by carers (this includes foster parents and other non-relatives) and 5 (3%) were by other relatives (Figure 2)
- 79 adoptions (52%) were of male children and 73 (48%) of female children (Table 14)
- 73% 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 2001–02, 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). This is partly due to a change of legislation in New South Wales which encourages the use of permanency planning, particularly for children in long-term out-of-home care.

Table 14: 'Known' child adoptions: relationship of adoptive parents by age and sex of child, 2001-02

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	2	4	3	2	—	5	7	5	—	12
5-9	18	25	43	—	—	—	14	6	—	20	32	31	—	63
10-14	22	19	41	—	1	1	7	6	—	13	29	26	—	55
15+	9	7	16	—	—	—	2	4	8	14	11	11	8	30
Total	51	52	103	2	3	5	26	18	8	52	79	73	8	160
Per cent														
Under 1	—	—	—	—	—	—	—	—	—	—	—	—	—	—
1-4	4	2	3	100	67	80	12	11	—	10	9	7	—	8
5-9	35	48	42	—	—	—	54	33	—	38	41	42	—	39
10-14	43	37	40	—	33	20	27	33	—	25	37	36	—	34
15+	18	13	16	—	—	—	8	22	100	27	14	15	100	19
Total	100	100	100	—	100	100	100	100	100	100	100	100	100	100

Table 15: Relative adoptions of local children, 1987–88 to 1997–98, and ‘known’ child adoptions, 1998–99 to 2001–02, 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

(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 by type of adoption, 1998–99 to 2001–02

	Step-parent	Other relative	Carer	Other	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

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.

There were 191 permanent care orders granted in Victoria, an increase of 17% from the previous year (Table 17). A total of 1,201 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 2001-02

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

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 2001-02, there were only six Indigenous children adopted in Australia – one by Indigenous non-relatives, two by non-Indigenous relatives and three by non-Indigenous non-relatives (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).

Table 18: Indigenous adoptions by relationship to adoptive parents and Indigenous status of adoptive parents, 1991-92 to 2001-02

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
Total	7	31	38	3	32	35	73

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 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.

In an attempt to achieve a balance between the right to information and the right to privacy, some States and Territories require the consent of the person to be identified for information to be released or contact to be made between the parties. The person to be identified then has the opportunity to apply for an information veto to prevent disclosure of information, and/or a contact veto to prevent contact.

Information applications

All States and Territories have established adoption information services or information and contact registers (or other similar systems). In New South Wales, adopted persons and birth parents have the right to information without mandatory counselling, except when the information to be released will be distressing (e.g. the death of the other party). An interview is also required when one of the parties wishes to lodge a contact veto. In Victoria, Tasmania and the Northern Territory, people requesting information must attend an interview with an approved counsellor before the information can be released. The purpose of counselling is to ensure that the rights of all involved parties are fully understood and that people are made aware of some of the issues which may arise in the search and reunion process. In Western Australia, a person wishing to gain access to identifying information is not required to be interviewed by an approved counsellor. However, an interview is required if a person wishes to lodge an information veto and a counselling interview is offered to those wishing to lodge a contact veto.

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

The main points to note regarding access to information for 2001–02 are:

- there were 4,159 information applications made – 3,445 for identifying information and 714 for non-identifying information (Table 19); this represents a decrease of 3% from the 4,304 lodged in 2000–01 (Table 21)
- 3,017 (73%) of the information applications (both identifying and non-identifying) were made by the adopted person, 652 (16%) by the birth parents (mainly the birth mother), 49 (1%) by adoptive parents, 269 (6%) by other birth relatives, 69 (2%) by other adoptive relatives and 85 (2%) by a child of the adopted person (Table 19)
- 1,349 of adopted persons seeking information (88%) were 25 years of age or older (Table 20)
- 800 of adopted persons applying for information (55%) were female and 644 (45%) were male (Table 20).

Table 19: Information applications lodged by person lodging application, 2001-02

Person lodging the application	NSW	Vic	Qld	WA ^(a)	SA	Tas	ACT	NT	Total
Identifying information									
Adopted person	822	598	458	288	378	76	38	29	2,687
Adoptive mother	—	—	—	8	4	—	—	11	23
Adoptive father	—	—	—	2	1	1	1	—	5
Birth mother	190	—	126	48	65	11	3	—	443
Birth father	7	—	4	17	11	1	1	—	41
Other birth relative(s)	24	—	8	32	14	3	5	4	90
Other adoptive relative(s)	19	—	28	—	20	—	—	—	67
Child of adopted person	—	52	—	19	—	—	—	—	71
Unknown	—	—	18	—	—	—	—	—	18
Total	1,062	650	642	414	493	92	48	44	3,445
Non-identifying information									
Adopted person	..	—	52	267	7	..	4	..	330
Adoptive mother	..	4	3	10	1	..	—	..	18
Adoptive father	..	—	—	1	2	..	—	..	3
Birth mother	..	67	4	51	1	..	3	..	126
Birth father	..	19	2	17	2	..	2	..	42
Other birth relative(s)	..	131	17	30	—	..	1	..	179
Other adoptive relative(s)	..	—	—	1	1	..	—	..	2
Child of adopted person	..	—	—	14	..	..	—	..	14
Total	..	221	78	391	14	..	10	..	714

(a) 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 5 joint applications by adoptive parents for identifying information and 6 joint applications for non-identifying information. Numbers for birth mothers includes 2 joint applications by birth parents for identifying and non-identifying information.

Note: 'Identifying information' is information 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.

Table 20: Information applications lodged by the adopted person by age, sex and Indigenous status, for selected States and Territories^(a), 2001-02

Age	Indigenous			Non-Indigenous				Total			
	M	F	P	M	F	U	P	M	F	U	P
18-19	1	—	1	27	35	6	68	28	35	6	69
20-24	2	1	3	35	76	9	120	37	77	9	123
25-34	5	11	16	227	252	30	509	232	263	30	525
35-44	6	4	10	180	184	29	393	186	188	29	403
45+	4	3	7	157	234	23	414	161	237	23	421
Total	18	19	37	626	781	97	1,504	644	800	97	1,541

(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 2001–02

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

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.

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

The principal features of contact and identifying information vetoes lodged in 2001–02 are:

- there were 88 contact and identifying information vetoes lodged, comprising 51 contact vetoes and 37 identifying information vetoes (Table 22)
- the number of vetoes lodged have decreased significantly from 426 in 1995–96. Between 2000–01 and 2001–02 the number of vetoes lodged decreased by 22%, from 113 to 88 (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 2002 was 9,989 comprising 5,578 contact vetoes and 4,411 identifying information vetoes. This is an increase of less than 1% from the 9,861 in place at 30 June 2001. The majority of vetoes in place at 30 June 2002 were lodged by the adopted person (52% of contact vetoes and 56% of information vetoes) and the birth mother (38% of contact vetoes and 35% 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), 2001-02

Contact vetoes	NSW^(b)	Qld^(c)	WA^(d)	SA^(e)	Tas^(f)	ACT^(g)	NT^(h)	Total
Adopted person	13	8	7	..	4	1	..	33
Adoptive mother	..	..	—	..	—	1	..	1
Adoptive father	..	..	—	..	—	—	..	—
Birth mother	5	—	3	..	5	1	..	14
Birth father	—	—	1	..	1	—	..	2
Other birth relative(s)	..	..	—	..	1	—	..	1
Other adoptive relative(s)	..	..	—	..	—	—	..	—
Total	18	8	11	..	11	3	..	51
Identifying information vetoes								
Adopted person	..	7	5	8	..	..	4	24
Adoptive mother	..	..	—	1	..	..	—	1
Adoptive father	..	..	—	—	..	..	—	—
Birth mother	..	2	1	8	..	..	—	11
Birth father	..	—	1	—	..	..	—	1
Other birth relative(s)	..	..	—	—	..	..	—	—
Other adoptive relative(s)	..	..	—	—	..	..	—	—
Total	..	9	7	17	..	..	4	37

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

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

(c) In Queensland, 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. The table does not include 88 veto renewals.

(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 2001 by person lodging the application, by 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	2318	180	339	..	14	38	..	2,889
Adoptive mother	..	..	207	..	1	21	..	229
Adoptive father	..	..	182	..	—	18	..	200
Birth mother	1789	75	196	..	35	19	..	2,114
Birth father	52	—	18	..	22	1	..	93
Other birth relative(s)	..	..	5	..	42	1	..	48
Other adoptive relative(s)	..	..	1	..	1	2	..	4
Other	..	..	1	..	—	—	..	1
Total	4,159	255	949	..	115	100	..	5,578
Per cent								
Adopted person	56	71	36	..	12	38	..	52
Adoptive mother	..	..	22	..	1	21	..	4
Adoptive father	..	..	19	..	—	18	..	4
Birth mother	43	29	21	..	30	19	..	38
Birth father	1	—	2	..	19	1	..	2
Other birth relative(s)	..	..	1	..	37	1	..	1
Other adoptive relative(s)	..	..	—	..	1	2	..	—
Total	..	100	100	..	100	100	..	100
Identifying information vetoes								
Number								
Adopted person	..	1,757	305	371	..	..	16	2,449
Adoptive mother	..	..	194	7	..	..	—	201
Adoptive father	..	..	175	2	..	..	—	177
Birth mother	..	1,168	149	248	..	..	—	1,565
Birth father	..	7	7	4	..	..	—	18
Other birth relative(s)	..	—	1	—	..	..	—	1
Other adoptive relative(s)	..	—	—	—	..	..	—	—
Total	..	2,932	831	632	..	..	16	4,411
Per cent								
Adopted person	..	60	37	59	..	..	100	56
Adoptive mother	..	..	23	1	..	..	—	5
Adoptive father	..	..	21	0	..	..	—	5
Birth mother	..	40	18	39	..	..	—	35
Birth father	..	—	1	1	..	..	—	—
Other birth relative(s)	..	..	—	—	..	..	—	—
Other adoptive relative(s)	..	..	—	—	..	..	—	—
Total	..	100	100	100	..	..	100	100

- (a) Victoria is not included in the total, as no veto system operates in this State.
- (b) In New South Wales, only adopted persons and birth parents may lodge a contact veto and there is no provision in New South Wales law for a veto against the supply of information.
- (c) In Queensland, 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 of Children Act 1965

Adoption of Children Regulation 1995

Adoption Information Act 1990

Adoption Information Regulation 1996

Level of court

Supreme Court of New South Wales

Step-parent adoptions

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

Other-relative adoptions

There is provision for adoptions by relatives other than step-parents. These are 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:

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

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

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

Adoption of Indigenous children

According to the Aboriginal Child Placement Principle in the *Children and Young Person's (Care and Protection) Act 1998* (NSW), Indigenous children are placed with adoptive parents of a similar Indigenous background unless this does not appear to be in the best interests of the child.

Victoria

Adoption Act 1984

Adoption Regulations 1998

Adoption (Amendment) Act 1991

Disability Services and other Acts (Amendment) Act 1997

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 which include 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:

- married/de facto couple of more than 2 years
- 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 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 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 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 with no children in their custody, the younger of the applicants must be under 41 years of age and the older of the applicants must be under 47 years of age. For applicants with children in their custody or second and subsequent applicants, the younger of the applicants must be under 43 years of age and the older of the applicants under 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.

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 Department'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 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. 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 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. 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 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 Department'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 SADHS.

Placement adoptions

Eligibility requirements:

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

Adoptions can be arranged only through 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 DHHS.

Other-relative adoptions

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

Placement adoptions

Eligibility requirements:

- married couple of more than 3 years with any period of time spent in de facto relationship before marriage included in time assessment
- 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 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 DEYFS.

Placement adoptions

Eligibility requirements:

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

Adoptions by non-relatives must be arranged through 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:

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

For intercountry adoptions, a 'Hague country' is a country that has ratified 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 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, 2001-02

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	—	—	—	—	43	46	89	46	43	89	89	89	—	178	
1-4	7	5	—	12	10	6	16	74	76	150	91	87	—	178	
5-9	32	31	—	63	1	—	1	21	25	46	54	56	—	110	
10-14	29	26	—	55	—	1	1	5	3	8	34	30	—	64	
15+	11	11	8	30	—	—	—	—	1	1	11	12	8	31	
Total	79	73	8	160	54	53	107	146	148	294	279	274	8	561	
Per cent															
Under 1	—	—	—	—	80	87	83	32	29	30	32	32	—	32	
1-4	9	7	—	8	19	11	15	51	51	51	33	32	—	32	
5-9	41	42	—	39	2	0	1	14	17	16	19	20	—	20	
10-14	37	36	—	34	—	2	1	3	2	3	12	11	—	11	
15+	14	15	100	19	—	—	—	—	1	—	4	4	100	6	
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100	

Note: Data from New South Wales and Western Australia include persons aged 18 years or older (19 in total).

Table A4.2: Local placement adoptions by type of arranging body, 2001-02

Arranging body	Number of local adoptions
Government	67
Non-government agency	40
Total	107

Table A4.3: Intercountry placement adoptions by country of origin, 1991–92 to 2001–02

Country of birth	1992 –93	1993 –94	1994 –95	1995 –96	1996 –97	1997 –98	1998 –99	1999 –00	2000 –01	2001 –02	Total
Number											
China	—	—	—	3	1	—	—	1	15	39	59
Colombia	26	22	16	40	23	14	11	17	15	9	193
Ethiopia	—	3	—	5	16	37	34	46	37	36	214
Fiji	—	—	—	13	—	18	12	5	3	5	56
India	20	22	29	20	35	28	30	37	40	40	301
South Korea	50	64	71	94	84	69	70	77	75	93	747
Philippines	17	14	22	22	27	19	10	29	18	12	190
Romania	—	—	3	—	5	5	17	36	22	2	90
Sri Lanka	38	33	18	14	—	3	5	3	4	2	120
Thailand	26	20	25	18	34	26	25	33	35	28	270
Other ^(a)	50	44	40	45	44	26	30	17	25	28	349
Total	227	222	224	274	269	245	244	301	289	294	2,589
Per cent											
China	—	—	—	1	—	—	—	—	5	13	2
Colombia	11	10	7	15	9	6	5	6	5	3	7
Ethiopia	—	1	—	2	6	15	14	15	13	12	8
Fiji	—	—	—	5	—	7	5	2	1	2	2
India	9	10	13	7	13	11	12	12	14	14	12
South Korea	22	29	32	34	31	28	29	26	26	32	29
Philippines	7	6	10	8	10	8	4	10	6	4	7
Romania	—	—	1	—	2	2	7	12	8	<1	3
Sri Lanka	17	15	8	5	—	1	2	1	1	<1	5
Thailand	11	9	11	7	13	11	10	11	12	10	10
Other ^(a)	22	20	18	16	16	11	12	6	9	10	13
Total	100	100	100	100	100	100	100	100	100	100	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 A4.4: Visa class 102 issued during 2001–02

County of origin	Parents 12 months overseas	Bilateral adoption agreement	Hague Convention adoptions	Total visas issued
Algeria	1	—	—	1
Austria	—	1	—	1
Bulgaria	—	1	—	1
China	1	39	1	41
Colombia	—	10	3	13
East Timor	1	—	—	1
Ethiopia	—	27	8	35
Fiji	2	1	—	3
Hong Kong	1	6	—	7
Kenya	—	—	4	4
Italy	1	—	—	1
India	2	37	5	44
Japan	—	2	—	2
Mexico	—	—	2	2
Mauritius	—	1	—	1
Mozambique	—	1	—	1
Malaysia	1	—	—	1
Poland	—	—	1	1
Papua New Guinea	2	1	—	3
Philippines	—	11	13	24
Romania	—	—	2	2
Singapore	1	—	—	1
South Korea	—	98	—	98
Sri Lanka	—	1	2	3
Taiwan	—	2	—	2
Thailand	1	29	—	30
United States of America	1	—	—	1
Total	15	268	41	324

Notes

1. This table relates to visa class 102 that were issued during the financial year 2001–02. Not all children who are issued visas entered Australia during 2001–02.
2. Only the persons recorded by Department of Immigration and Multicultural Affairs are included in this table.

Source: DIMA, pers. comm., 29 July 2002.

Table A4.5: Placement adoptions by number of children placed with other siblings, 2001-02

Type of adoption	Number of sibling adoptions
Local adoptions	2
Intercountry	—
Hague adoption	—
Non-Hague adoption	17
Total sibling adoptions	19

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
Bolivia	1 July 2002	Mauritius ^(a)	1 January 1999
Brazil	1 July 1999	Mexico	1 May 1995
Bulgaria	1 September 2002	Moldova ^(a)	1 August 1998
Burkina Faso	1 May 1996	Monaco ^(a)	1 October 1999
Burundi ^(a)	1 February 1999	Mongolia ^(a)	1 August 2000
Canada	1 April 1997	Netherlands	1 October 1998
Chile	1 November 1999	New Zealand ^(a)	1 January 1999
Colombia	1 November 1998	Norway	1 January 1998
Costa Rica	1 February 1996	Panama	1 January 2000
Cyprus	1 June 1995	Paraguay ^(a)	1 September 1998
Czech Republic	1 June 2000	Peru	1 January 1998
Denmark	1 November 1997	Philippines	1 November 1996
Ecuador	1 January 1996	Poland	1 October 1995
El Salvador	1 March 1999	Romania	1 May 1995
Estonia	1 June 2002 ^(a)	Slovakia	1 October 2001
Finland	1 July 1997	Slovenia	1 May 2002
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
Iceland ^(a)	1 May 2000	Venezuela	1 May 1997
Israel	1 June 1999	<i>Total countries</i>	<i>49</i>

(a) These countries have acceded to the Convention.

Notes

1. This information is correct as at September 2002.
2. The following countries have signed, but are yet to ratify, the Convention: Belarus, Belgium, China, Ireland, Portugal, Russian Federation, Switzerland, Turkey, United Kingdom, 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.

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