

Adoption in the Australian Capital Territory

1938 –

Details

Adoption is the legal process which transfers the legal rights and responsibilities of being a parent from a child's birth parents to adoptive parents. The *Adoption of Children Ordinance 1938* regulated adoption in the ACT for the first time.

The 1938 Ordinance was repealed by the *Adoption of Children Ordinance 1965* which marked a distinct turning point recognising that the welfare and interests of the child should be the paramount consideration for decisions made.

The 1965 legislation reflected a view that the relationship between children and birth parents should not be maintained after adoption.

There will be a more complete severance of the relationship between an adopted child and its natural parents (Adoption of Children Ordinance 1965 Explanatory Memorandum).

The Ordinance of 1965 was repealed by the *Adoption Act 1993*. The 1993 Act represented an 'opening up' of information for children and birth parents. It incorporated concepts from the Aboriginal Child Placement Principle; more open adoption; and further emphasis on the overarching principle of the 'best interests' of the child.

In 2011, the 1993 *Adoption Act* was under review in light of major initiatives over the last ten years, including the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption and the enacting of the ACT *Human Rights Act 2004*.

It is also considered essential that the Act be consistent with the *Children and Young People Act 1999*, that it incorporates the principles of the United Nations Convention on the Rights of the Child and reflects Government policies as defined in the ACT Children's Plan and the ACT Social Plan.

More info

Related Entries

Related Events

- [Apology to People Affected by Past Forced Adoption Practices, Parliament of the Australian Capital Territory \(14 August 2012\)](#)
- [National Apology for Forced Adoptions, Parliament of Australia \(21 March 2013\)](#)

- [Inquiry into Commonwealth Contribution to Former Forced Adoption Policies and Practices, Commonwealth of Australia \(2011 - 2012\)](#)

Related Glossary Terms

- [Forced Adoption \(c. 1940 - c. 1970\)](#)

Related Legislation

- [Adoption of Children Ordinance 1938, Commonwealth of Australia \(1938 - 1966\)](#)
 - [Adoption of Children Act 1965, Australian Capital Territory \(1966 - 1993\)](#)
 - [Adoption Act 1993, Australian Capital Territory \(1993 - current\)](#)
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