

Adoption in South Australia

1925 –

Details

The Australian Institute of Health and Welfare defines adoption as “The legal process by which a person legally becomes a child of the adoptive parent(s) and legally ceases to be a child of his/her existing parent(s)”. In Australia, each state or territory has its own adoption legislation and its own policies and processes. In the 1960s, the Commonwealth government led a project to enact model legislation and harmonise the various adoption acts in Australia, and to ensure that the states recognised each others’ adoption laws.

In South Australia, the first adoption legislation was passed in [1925](#). Prior to this, adoptions still did take place in SA, however this happened outside of any legal frameworks. Adoptions during this period before legislation existed are referred to as “de facto” or “informal” adoptions. The first adoption acts passed by Australian jurisdictions were designed to provide certainty for parents who had adopted children under the informal arrangements that had applied until that time.

The *Adoption Act 1925* set out the powers of the Chairman of the Children’s Welfare and Public Relief Department in relation to SA adoptions. In a 2019 publication, Adoption Services SA states that from 1936 to 1966 it was “quite common” for people involved in an adoption to share information about each other (Department for Child Protection, 2019). This changed with the passage of the [Adoption of Children Act 1966-67](#). Like the adoption acts passed in other Australian jurisdictions in the 1960s, this legislation was informed by the clean break theory which held that it was best for the mother and soon-to-be adopted child if they were separated as early and as completely as possible.

Adoptions in SA were arranged both by the government and by private agencies that worked with the department. A 1961 report by the SA government stated that the department “maintains a close liaison with a number of private institutions which are active in providing for confinement of expectant mothers, and act as a placement agency for potential adopters (approved by the Dept).” The suitability of prospective adoptive parents was established through processes like interviews and home inspections.

In Australia, there was a boom in the adoption industry after World War Two. Nationwide adoption data is not available prior to 1969, however the Senate inquiry into forced adoptions used figures in files held by the National Archives of Australia to estimate that around 150,000 adoptions took place in Australia between 1951 and 1975. Policies and practices resulting in forced adoptions were widespread throughout Australia during this period (Senate, 2012, pp.4-5).

The 1961 report from SA to the Commonwealth provided statistical details about a steady rise in adoption numbers in SA beginning in the 1950s. In the year ending June 1953 there were 359 adoptions in SA; the year ending June 1960 recorded 571 adoptions (Uniform Adoption Legislation, 1961, p.142 digital). As in other Australian jurisdictions, adoption numbers continued to rise until a peak in the early 1970s.

The number of adoptions in Australia peaked in the early 1970s and then steadily declined, largely because of changing social attitudes towards single mothers and the introduction of the Supported Parents Benefit in 1973.

Adoption numbers in SA have continued to decline since the early 1970s. Since 2006, the number of locally born children aged under 12 months placed for adoption each year is between 0 and 3.

In 2011, the Australian Senate began the inquiry into [Commonwealth Contribution to Former Forced Adoption Policies and Practices](#), and its report was handed down in February 2012. The inquiry heard testimony and evidence about the pressure and stigma experienced by pregnant single women and how many were forced to put their child up for adoption. The negative and life-long effects of forced adoptions continue to affect adopted people, mothers and fathers.

On 21 March 2013, the former Prime Minister Julia Gillard apologised on behalf of the Australian Government to people affected by forced adoption or removal policies and practices

In 2018 the Australian Government's House of Representatives Standing Committee on Social Policy and Legal Affairs conducted an Inquiry into local adoption. This inquiry considered how to establish a nationally consistent local adoption framework in Australia and the viability of using adoption as an alternative to out-of-home care to create stability and permanency for children. The inquiry discussed that adoption rates in Australia are the second lowest in the developed world, but Australia simultaneously has a growing number of children in out-of-home care. The report identified a key barrier to increasing adoption in Australia is the 'fear of repeating the mistakes of past forced adoption policies and practices' (History and Timeline of Forced Adoptions in Victoria).

In June 2024, there has not been an inquiry into forced adoptions by the South Australian government.

The history of adoption in South Australia for Aboriginal and Torres Strait Islander peoples is unique. Historian Shurlee Swain writes that Indigenous adoptees have been marginalised, both in the story of the Stolen Generations and in the history of adoption in Australia (Swain, 2013). Adoption was particularly damaging in the context of the Stolen Generations and was one means of removing Aboriginal and Torres Strait Islander children from their families. The Senate report describes how adopted Aboriginal and Torres Strait Islander people experienced cultural loss, and were also subject to "a layer of official secrecy: not only a denial of their original individual parents, but an additional official desire to suppress racial and cultural identity" (Senate, 2012, p.80).

Just as adoption numbers have decreased in the overall population, there has also been a reduction in the adoption of Aboriginal and Torres Strait Islander children. The introduction of the Aboriginal Child Placement Principle has meant the majority of Indigenous children are adopted by Indigenous families. This principle was specifically enshrined in South Australia's [Adoption Act 1988](#).

Adoption legislation in South Australia

The first law in SA was the [Adoption of Children Act 1925](#). Like other legislation of the time, it provided that after adoption the child "shall for all purposes be deemed in law to be the child born in lawful wedlock of the adopting parents ... and thereby terminate all the rights and legal responsibilities" of the natural parents.

South Australia passed the [Adoption of Children Act 1966-1967](#). During the 1960s, Australian states and territories all passed new model legislation, to achieve more uniformity in the various adoption acts and to enable Australian jurisdictions to recognise each others' adoption laws. The 1966-67 Act stated that the welfare and interests of the children are the paramount consideration in making an order for adoption.

Like the adoption acts passed in other Australian jurisdictions in the 1960s, the legislation was informed by the clean break theory which held that it was best for the mother and soon-to-be adopted child if they were separated as early and as completely as possible. Adoptions that took place under South Australian law during this peak period followed the regulations, which provided that the "identities of any, or all, of the adopters, natural parents, or child may not be disclosed".

A 2019 publication by SA Adoption Services states that in the 1980s, "people around the world began to talk about secrecy in adoption. It was believed that it was better for children to know they were adopted, and that they had a right to information about their birth family. People also came to understand that the birth parents of

children who were adopted did not simply forget about the child, but often thought about the child after the adoption, and at times suffered ongoing grief about the loss of their child” (Department for Child Protection, 2019).

The [Adoption Act 1988](#) reflected these changing attitudes to adoption and people's right to information. There was a shift towards open adoption, the sharing of information and ongoing contact between a child's birth and adoptive families. SA's Adoption Act 1988. It gave adopted people the right to apply for information about their birth families and gave birth parents the right to information once the child had turned 18. This legislation reflected the shift towards open adoption, and made it possible for information to be shared, and for there to be ongoing contact between a child's birth and adoptive families.

The [Adoption \(Review\) Amendment Act](#) was passed in December 2016 in the SA Parliament. This included provisions to remove discrimination against same-sex couples, remove adoption information vetoes, broaden the circumstances that allow for discharge of adoption orders, and enable adopted people to have integrated birth certificates (showing the names of both their birth and adoptive parents). This Act remains in force in 2024.

More info

Related Entries

Related Events

- [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 Act 1925, South Australia \(1925 - 1967\)](#)
- [Adoption of Children Act 1966-1967, South Australia \(1967 - 1989\)](#)
- [Adoption Act 1988, South Australia \(1989 - current\)](#)

Related Organisations

- [Adoptions - South Australia \(2018 - current\)](#)

Adoptions - South Australia is the central authority in SA to provide adoption support, advice and access to information

Related Archival Collections

- [Adoption Records, State Records of South Australia \(1915 - current\)](#)

Resources

- [The History of Adoption Project website](#), 2010
- [Recent changes to the Adoption Act](#), Department for Child Protection, 2017

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