

# Adoption of Children Act 1920, Tasmania

1920 – 1968

URL: [http://www.austlii.edu.au/au/legis/tas/num\\_act/taoca192011gvn5293/](http://www.austlii.edu.au/au/legis/tas/num_act/taoca192011gvn5293/)

## Details

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The Adoption of Children Act 1920 made the first legal provision for adoption in Tasmania. There was no requirement for an assessment of the adoptive parent to be undertaken and guardianship of the child transferred directly from the birth parent to the adoptive parent. This practice changed with the passage of the Adoption of Children Act 1968.

The *Adoption of Children Act 1920* was amended in 1943, 1945 and 1960.

The Report of the Joint Select Committee on Adoption and Related Services 1950-1988 made the following comment about the Act:

*Prior to the 1968 legislation people who wished to adopt a child in Tasmania could register with the Registrar of Births, Deaths and Marriages. On the making of an adoption order, the adoptive parents received a copy of that order on which would be found the child's original surname and Christian name, if s/he had been given one. Prospective adoptive parents were not subject to any assessment, often there was virtually no waiting time before they received a child and there was no follow up once the adoption was completed.*

The Secretary of the Neglected Children's Department sometimes arranged for state wards to be adopted using his powers under the *Youthful Offenders, Destitute and Neglected Children's Act 1896* to place children where he thought fit. If a Secretary arranged the adoption of a Tasmanian state ward, he remained the legal guardian. The Act also provided for children's guardianship to be transferred from the Secretary to a private individual by an order of Governor-in-Council but this was seldom, if ever, used. Under either arrangement, the law required Departmental inspectors to visit the child's home.

The Department did not have to pay adoptive parents, as they did foster mothers, so cost saving was a motive behind the adoptions of wards of state. Prior to 1920, these were closely linked to the [apprenticeship](#) system. Early Departmental adoption forms included a provision for wages of sixpence a week to be banked with the Department until the child reached 21. Sometimes the form for an apprenticeship was signed but the arrangement was referred to as an adoption.

Most of these adoptions occurred in rural areas. The adoptive parents wanted prospective farm workers, domestic servants, child minders, and sometimes, company. When the child reached school leaving age, the adoptive parents signed apprenticeship papers with the Department.

Adoption forms required that the prospective parents provide the child with 'good and sufficient meat, drink, lodging, bedding, wearing apparel and all other things necessary for the said child until he is eighteen years of age'. The child had to be kept at school until school leaving age and attend the church or Sunday school of his or her religion. If inspectors found that the home was unsatisfactory, the parents surrendered the child back to the Department with a good supply of clothing. A clergyman or magistrate certified that the adopting parents were 'of sober habits and kindly character and fit persons to be entrusted with the charge and moral training of a boy (or girl)'.

A few babies of [single mothers](#) were adopted out by the Secretary of the Neglected Children's Department. However, this was rare because he tried to avoid taking responsibility for them, believing that the mother should board them out privately for a fee and find some way to support them. This arrangement was often called adoption. There was little demand for these babies from married middle class couples because, influenced by eugenic thought, they feared that the child might have inherited genetic problems.

## More info

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### Chronology

- **Adoption of Children Act 1920, Tasmania (1920 – 1968)**
  - Adoption of Children Act 1968, Tasmania (1968 - 1988)
  - Adoption of Children Act 1988, Tasmania (1988 - current)

### Related Entries

#### Related Organisations

- [Social Welfare Department, State of Tasmania \(1961 - 1983\)](#)
- [Statistical and General Registry Department, State of Tasmania \(1882 - 1924\)](#)
- [General Registry Department, State of Tasmania \(1924 - 1959\)](#)
- [Registrar-General's Department, State of Tasmania \(1959 - 1972\)](#)
- [Catholic Family Welfare Bureau \(Tasmania\) \(1959 - 1977\)](#)

#### Related Concepts

- [Adoption in Tasmania \(c. 1920 - current\)](#)  
Date: 1920 - 1968

### Resources

- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), [To Remove and Protect](#), 2014

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