

# Adoption of Children Act 1965, New South Wales

1965 – 2003

URL: <https://www.legislation.nsw.gov.au/view/pdf/asmade/act-1965-23>

## Details

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The Adoption of Children Act 1965 (23/1965) was 'An Act to make provisions with respect to and consequential upon the adoption of children; to amend the Child Welfare Act, 1939, the Registration of Births Deaths and Marriages Act 1899, and certain other Acts'. This Act was passed in response to the Commonwealth government's push for [model legislation](#) to harmonise adoption law in Australia.

The Act required courts making orders in matters relating to the child to regard the child's welfare as the paramount consideration. It banned people from arranging their own adoptions, and it tightened secrecy around adoption, enabling adopted children to assume an entirely new identity (and birth certificate) that was tied to their adoptive parents. In 1991 the Adoption Information Act gave adoptive children and birth parents the right to information about their adoptions, including their original birth certificates. The Adoption of Children Act was repealed in 2003 when the Adoption Act 2000 came into effect.

The *Adoption of Children Act* banned privately arranged adoptions, making it an offence to advertise a child for adoption or seek adoptive parents. Birth parents were not allowed to choose who their child went to – they could only give consent to the child being adopted. In practice, this meant adoptions were arranged by adoption agencies and approved by the court. Exceptions were made for relatives or step-parents.

The most important element of this Act was a tightening of secrecy provisions to ensure members of the birth family and the adoptive family would not discover each other's identity, and that the records of the adoption would be kept confidential. Indeed, the new birth certificate issued for the adopted child (the 'amended birth certificate') was intended to disguise the fact that the child had been adopted.

The Act was changed over time to take into account new ideas about marriage and parenthood. In 1979, after the *Domicile Act 1979* abolished the legal principle that married women lived wherever their husbands did, the Act was Amended. In 1980-1982, under various Amendments, an Adoption Tribunal was created. In 1984 the Act was Amended to allow adoption by a man and a woman in a de facto relationship, and to require permission for adoption to be sought from the fathers of ex-nuptial children.

The *Community Welfare Act 1983* also resulted in Amendments to the *Adoption of Children Act 1965*. In 1987 the Act was further Amended to allow adoptions from other states and countries, to recognise various forms of de facto and married relationships and change some of the rules about children's input into their own adoptions, including the age at which they could consent to be adopted.

Amendments were as follows: Amended by Act No.19 1966, Act No 13 1971, Act No.119 1979, Act No.78 1980, Act No.37 1982, Act No.77 1982, Act No.148 1984, Act No.58 1987, Act No.174 1987. Please note, not all these Amendments are described in the Find & Connect web resource.

# More info

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## Chronology

- Infant Convicts Act 1849, New South Wales (1849 - 1901)
  - Infant Convicts Adoption Act 1901, New South Wales (1901 - 1939)
    - Child Welfare Act 1939, New South Wales (1939 - 1987)
- **Adoption of Children Act 1965, New South Wales (1965 – 2003)**
  - Adoption Act 2000, New South Wales (2000 - current)

## Related Entries

### Related Events

- [Inquiry into Adoption Practices in NSW, New South Wales Legislative Council \(1998 - 2000\)](#)
- [Inquiry into Commonwealth Contribution to Former Forced Adoption Policies and Practices, Commonwealth of Australia \(2011 - 2012\)](#)

### Related Legislation

- [Community Welfare Act 1987, New South Wales \(1987 - current\)](#)
- [Community Welfare Act 1982, New South Wales \(1981 - 1987\)](#)
- [Adoption Information Act 1990, New South Wales \(1990 - 2003\)](#)

The Adoption Information Act 1990 reversed much of the secrecy relating to adoptions in the Adoption of Children Act 1965.

### Related Concepts

- [Adoption in New South Wales \(c. 1923 - current\)](#)

## Resources

- Burford, Sister Kath R.F.J., *St Anthony's Family Care*, 1989
- Law Reform Commission New South Wales, [Issues Paper 9 \(1993\) - Review of the Adoption of Children Act 1965 \(NSW\)](#), May 1993
- Standing Committee on Social Issues, [Releasing the Past: Adoption Practices 1950 - 1998](#), 8 December 2000
- Parliamentary Counsel's Office, [NSW legislation](#), No date
- Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), [To Remove and Protect](#), 2014
- No date
- No date

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