

Adoption Act 1994, Western Australia

1994 –

URL: https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_3161_homepage.html

Details

The Adoption Act 1994 (Act no. 1994/009) is fully titled 'An Act to make provision for the adoption of persons and for the parties to adoptions and their relatives to have access to information about the parties, to repeal the Adoption of Children Act 1896, and for related purposes.' It was passed on 15 April 1994, with Sections 1 and 2 commencing the same day, others on 1 January 1995. The Act completely changed the adoption landscape in Western Australia. The Adoption Act 1994 and its Regulations operated from 1 January 1995. This new Act repealed the original Adoption of Children Act, 1896 and its 98 years of amendments, Rules and Regulations. These years had seen adoption legislation and practices move through fairly open and unregulated beginnings to times when information about adoption was 'closed' and contact with families of origin was actively prevented. Under the Adoption Act 1994 and its subsequent amendments, a 'highly regulated framework' promotes 'open adoption'.

Under the Adoption Act 1994 and its subsequent amendments, a 'highly regulated framework' promotes 'open adoption' which:

- Recognises the right of every child to know about their family and culture of origin
- Encourages contact between all parties to the adoption 'where that is possible and appropriate'

The Act also acknowledges and respects that adoption is not part of Aboriginal and Torres Strait Islander culture.

The Department responsible for child welfare in Western Australia is the only agency who can arrange adoptions.

In its 2010 reprint, the Adoption Act 1994 stated the following 'paramount considerations', or principles, to guide adoption practices:

- (1)(a) the welfare and best interests of a child who is an adoptee or a prospective adoptee;*
(b) the principle that adoption is a service for a child who is an adoptee or a prospective adoptee; and
(c) the adoption of a child should occur only in circumstances where there is no other appropriate alternative for the child.
- (2) It is acknowledged that adoption is not part of Aboriginal or Torres Strait Island culture and that therefore the adoption of a child who is an Aboriginal person or a Torres Strait Islander should occur only in circumstances where there is no other appropriate alternative for that child.*

More info

Chronology

- Adoption of Children Act 1896, Western Australia (1896 - 1995)
 - **Adoption Act 1994, Western Australia (1994 –)**

Related Entries

Related Events

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

Related Glossary Terms

- [Closed Adoption](#)
- [Open Adoption \(c. 1984 - current\)](#)

The Adoption Act 1994 made it possible for adoption in Western Australia to be an open and transparent process for all parties.

Date: 1995 -

Related Organisations

- [Adoption Jigsaw, Western Australia \(Inc\) \(1978 - 2023\)](#)

Related Concepts

- [Adoption in Western Australia \(c. 1896 - current\)](#)

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