

# Adoption of Children Amendment Act 1976, Western Australia

1976 – 1995

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## Details

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The Adoption of Children Act Amendment Act 1976 (1976/112) amended and modernised the Adoption of Children Act 1896. It removed the term, 'illegitimate child' and replaced it with 'a child whose parents were not married to each other at the time of his birth or subsequently.' It also further clarified the concept of 'undue influence' that had been introduced in the Adoption of Children Act Amendment Act 1964. The Family Court of Western Australia (which had come into being in 1975) was noted as the relevant court for adoption matters. The Adoption of Children Act Amendment Act 1976 was repealed by the Adoption Act 1994.

The *Adoption of Children Act Amendment Act 1976* amended and modernised the *Adoption of Children Act 1896*.

The amendments were introduced into the Legislative Council of the Western Australian Parliament by the Minister for Community Welfare, the Hon. NE Baxter (*Hansard*, 9 September 1976 p.2362) who said that they were 'the result of discussions on adoption law by the Australian Council of Social Welfare Ministers and the Standing Committee of Attorneys-General.' The amendments, he said, would bring WA 'into line with the most socially advanced legislation in other States'.

Some elements of the Bill were subject to debate before the legislation was enacted. The term, 'possession' of an adopted child was debated as legislators sought to understand the implications for parties involved in adoption. The Hon. Minister for Community Welfare (*Hansard*, 15 September 1976, p.2492) said that he had been advised by Parliamentary Counsel that the word 'possession' was needed, along with words 'custody and control'. The object was to prevent any adoptions occurring without the consent of the Department for Community Welfare. The Minister explained: 'It is felt there will be a watertight case in the event of a person being charged and found guilty of an offence of transferring the child without the written permission of the director' of the department.

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The amended Act came into force on 14 June 1977, and the amended Rules operated from 1 December 1977.

The *Adoption of Children Act Amendment Act 1976* was repealed by the *Adoption Act 1994*.

# More info

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## Related Entries

### Related Organisations

- [Department for Community Welfare, State of Western Australia \(1972 - 1985\)](#)

### Amends

- [Adoption of Children Act 1896, Western Australia \(1896 - 1995\)](#)

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