

# Adoption in Western Australia

c. 1896 –

## Details

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The *Adoption of Children Act 1896* introduced legal adoptions in Western Australia. It was the first adoption legislation to be passed in Australia. Since 1995, Western Australian adoptions have been subject to the *Adoption Act 1994* and Adoption Rules and Regulations 1995. The first adoption was granted by the Supreme Court in 1898 but it was not until 1917 that the Secretary of the State Children Department was required to give permission for a state child to be adopted.

From the 1930s, the government was proactive in encouraging the adoption of children who were state wards, even publishing pictures of 'available' children in the newspaper. Rising numbers of adoptions were proudly reported in the annual reports of the Child Welfare Department.

By 1937, the Child Welfare Department (CWD) was reporting that there were more children living in institutions than in foster-care. This concerned them, because it was believed that children did not get a sense of the social side of life when they grew up in an institution and that they needed to have contact with adults and children 'leading normal lives in the outside world'. Adoption was seen as a good long-term solution which would also relieve the short-term problem of overcrowding in the institutions. This was coupled with a genuine belief that the best outcome for a young mother and her illegitimate child was a 'fresh start' for both of them through adoption.

In 1926, the original Act had been amended to increase secrecy provisions so that the identity of the child from its birth parents, and vice versa, was hidden by law. The 1994 Act relaxes these secrecy provisions somewhat.

The Western Australian Department for Child Protection and Family Support (2012) describes adoption as follows:

*Adoption is a service that provides a family for a child who is unable, for a range of reasons, to live with their birth parents. It is a permanent legal arrangement (finalised by an Adoption Order from the Family Court of Western Australia, or an overseas Order recognised by the Family Court) that cuts a child's legal ties with their birth family. Full parental rights and responsibilities are given to the adoptive family. This means the birth parents no longer have legal rights over the child, and cannot claim back the child. The child becomes a full member of the adoptive family. This includes taking their surname and assuming the same rights and privileges as if born to them, including the right of inheritance.*

*Adoptions, including the adoption of children from overseas, are arranged within a highly regulated framework. The Adoption Act 1994 which guides the provision of adoption services in Western Australia is based upon the central principle of the United Nations Convention on the Rights of the Child – that the best interests of the child are paramount. The Act also gives effect to the Hague Convention on the Protection of Children and Cooperation in respect to Intercountry Adoption. In Western Australia, the Department for Child Protection and Family Support, through its Adoption Service, is the only agency allowed to arrange adoptions.*

*The undesirable consequences of past adoption practices, which were shrouded in secrecy, have led to changes in adoption law both nationally and internationally. West Australian legislation endorses open adoption which recognises a child's birth parentage and cultural origins and promotes contact between the parties to adoption is encouraged where this is possible and appropriate.*

The Parliament of Western Australia formally apologised for the 'Removal of Children from Unmarried Mothers' in 2010. It was the first Australian parliament to do so. The Parliament, on behalf of previous governments, apologised to 'the mothers, their children and the families who were adversely affected by these past adoption practices'.

## Gallery



### Placed out for adoption in good homes, 1928

**Description:** 'Placed out for adoption in good homes, 1928' is a digital copy of an image included (after p.1) in the *Annual Report of the Child Welfare Department, 1928*. The caption reads, 'Placed out for adoption in good homes. (Not for reproduction in the Press)'. The image shows three portraits of babies, presumably to encourage people to apply to adopt them.

## More info

### Related Entries

#### Related Events

- [Select Committee appointed to enquire into the Adoption of Children Amendment Bill 1983, Parliament of Western Australia \(7 December 1983 - 11 October 1984\)](#)
- [Apology for the Removal of Children from Unmarried Mothers, Parliament of Western Australia \(19 October 2010\)](#)
- [Inquiry into Commonwealth Contribution to Former Forced Adoption Policies and Practices, Commonwealth of Australia \(2011 - 2012\)](#)

#### Related Glossary Terms

- [Closed Adoption](#)
- [Forced Adoption \(c. 1940 - c. 1970\)](#)

#### Related Organisations

- [St John of God Hospital, Subiaco \(1898 - current\)](#)
- [Cornelie Home \(1898 - 1903\)](#)
- [Home of the Good Shepherd, Leederville \(1902 - 1979\)](#)

Adoption of the babies of young women who were sent to the Home of the Good Shepherd as pregnant teenagers was not uncommon.

Date: 1909 - 1979

- [The Open Door \(1903 - 1922\)](#)
- [Children's Protection Society \(1906 - 1994?\)](#)

In her evidence to the Select Committee of the Legislative Council on the State Children Act Amendment Bill in 1918, the Secretary of the Children's Protection Society Jessie Annie Gover said that adoptions organised by the Society were 'legally attended to at Mr. Cowan's office'.

- [Alexandra Home for Women \(1916 - 1950\)](#)
- [King Edward Memorial Hospital \(1916 - current\)](#)
- [St Margaret's Hostel \(1918 - 1971\)](#)
- [The Salvation Army Australia Southern Territory \(1921 - 2018\)](#)
- [Hillcrest Maternity Home \(1922 - 1974\)](#)
- [St Anne's Nursing Home \(1937 - c. 1958\)](#)
- [St Gerard's Hospital \(1944 - c. 1972\)](#)
- [The Alexandra Home for Mothers and Babies \(Inc\) and Mothercraft Training School \(1950 - 1956\)](#)
- [Ngal-a Mothercraft Home and Training Centre Inc \(1956 - 1989\)](#)
- [St Anne's Maternity Home \(c. 1958 - 1982\)](#)
- [Family Court of Western Australia \(1976 - current\)](#)

The Family Court of Western Australia is responsible for approving adoptions.

- [British Association for Adoption and Fostering \(1978 - current\)](#)  
The British Association for Adoption and Fostering may be a useful records access service for people who were adopted in Australia and whose birth parents were British.
- [Adoption Jigsaw, Western Australia \(Inc\) \(1978 - current\)](#)
- [Adoption Research and Counselling Service \(Inc\) \(1984 - current\)](#)
- [Association Representing Mothers Separated from their Children by Adoption Inc \(1987 - current\)](#)
- [Adoption Services, Child Protection and Family Support \(1994? - current\)](#)

### Related Legislation

- [Adoption of Children Act 1896, Western Australia \(1896 - 1995\)](#)
- [Adoption of Children Act Amendment Act 1921, Western Australia \(1921 - 1995\)](#)
- [Adoption of Children Act Amendment Act 1926, Western Australia \(1926 - 1995\)](#)
- [Adoption of Children Act Amendment Act 1945, Western Australia \(1946 - 1995\)](#)
- [Adoption of Children Act Amendment Act 1949, Western Australia \(1949 - 1995\)](#)
- [Adoption of Children Act Amendment Act \(No. 2\) 1953, Western Australia \(1954 - 1995\)](#)
- [Adoption of Children Act Amendment Act 1964, Western Australia \(1970 - 1995\)](#)
- [Adoption of Children Act Amendment Act 1971, Western Australia \(1972 - 1995\)](#)
- [Adoption of Children Act Amendment Act 1973, Western Australia \(1974 - 1995\)](#)
- [Adoption of Children Amendment Act 1980, Western Australia \(1981 - 1995\)](#)
- [Adoption of Children Amendment Act 1985, Western Australia \(1986 - 1995\)](#)
- [Adoption Act 1994, Western Australia \(1994 - current\)](#)

### Related Archival Items

- [Interview with Beryl Grant, Matron of Ngala, 1959-1980](#)

### Related Archival Series

- [Richard S. Haynes & Co Adoption Files \[Mr Bryant's client files\] \(1946 - 1980\)](#)
- [Ngala Adoption Records \(1958 - 1980\)](#)

## Resources

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- [Beryl Grant interviewed by Christine Choo in the Forgotten Australians and Former Child Migrants oral history project](#), 20 October 2011
- [Interview with Beryl Grant, nurse, by Chris Jeffery](#), 1977
- [Interview with Beryl Grant, Matron of Ngala 1959-1980, by Helene Charlesworth](#), May 1997
- *Annual report of the State Children Department*, 1908 - 1927. Relevance: 1909, 1910, 1911, 1912, 1913, 1914, 1917, 1918, 1920, 1922, 1923, 1924, 1926, 1927
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- [Intestacy Problem](#), The West Australian, 24 August 1937
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- [\*Maternity Home Regulations\*](#), Government Gazette of Western Australia, 20 October 1944

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