

Independent Investigation into Historical Intercountry Adoptions from the Republic of Korea to Australia

Interim Report

The Hon Tanya Plibersek MP
Minister for Social Services
House of Representatives
Parliament House
CANBERRA ACT 2600

Dear Minister

I am pleased to present the interim report of the Independent Investigation into Historical Intercountry Adoptions from the Republic of Korea (ROK) to Australia between 1964 to 1999 (the Investigation).

When the website allowing members of the community to follow the progress of the Investigation opened, over 100 people initially registered to receive updates, and we are at more than double that number now. This reflects the level of interest and range of experiences connected to the intercountry adoption process.

I acknowledge for some, these experiences were often traumatic for adoptees and have left a gap in their lives. Many are now adults and seek to have this gap relating to identity, family, community, culture and country filled. Their courage and the enlightenment that each seeks is a testament to their resilience, adaptability, and unswerving intent to know who they are.

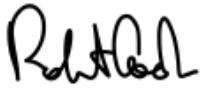
Many stakeholders and individuals wanted the Investigation to be much broader than the intercountry adoption process between ROK and Australia. However, as made clear in our joint webinar on 26 March 2026, this Investigation is a first step, focusing on adoptions out of the ROK to Australia.

I was privileged to work with the Department of Social Services (DSS) Investigation Taskforce. The DSS team's commitment to the Investigation enabled the Investigation to weave together the lines of past Commonwealth, state, and territory adoption practices. Providing an understanding of the competing concerns, needs and constraints on intercountry adoption to Australia during the relevant period of the Investigation.

We look forward in Stage 2 of the Investigation, to the opportunity for community stakeholders to provide us with firsthand experiences and available information which genuinely reflects their experiences and concerns over the processes applied to them, including as young children, resulting in their relocation to Australia. This process will afford individuals the opportunity to raise any relevant issues and provide valuable insights to the Investigation, raising potential questions and lines of inquiry for Stage 2.

I commend this interim report to the Government.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Cook', with a stylized, cursive script.

Robert Cook

28 August 2026

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*'Their motivations vary. Some want answers to genetic questions for themselves or their children; others, to find someone resembling them after years of being stigmatized for looking different. But most fundamentally because they all hold a right to identity.... The right to have one's existence socially and legally recognised, and to preserve and express that identity, through name, nationality and family ties.'*¹

Preface

Acknowledgment of Country

I acknowledge the Traditional Owners of Country throughout Australia and acknowledge their continuing connection to land, waters and community. I pay my respects to the people, the cultures and the Elders past and present.

Content Warning

This report includes discussion of intercountry adoption and human rights violations that occurred as part of historic ROK-Australia intercountry adoptions. Some readers may find the material triggering or upsetting.

The **Intercountry Adoptee and Family Support Service (ICAFSS)** provides free adoptee-specific therapeutic support for adoptees and their families, including:

- Counselling
- Search and reunion support
- Therapeutic support
- Peer support

ICAFSS can be contacted on 1800 422 377 from Monday to Friday between 9am and 5pm, or at icafss@rasa.org.au.

If you need support at any time, you can also contact the following confidential services which are available 24 hours a day, 7 days a week:

- **Beyond Blue Support Service** – 1300 224 636 or www.beyondblue.org.au
- **Lifeline Crisis Support** – 13 11 14 or www.lifeline.org.au

Statement on Language

This report acknowledges that language is an important part of identity. Individuals who have been involved with intercountry adoption each have unique experiences and strengths, and have been impacted uniquely by their experience.

This report uses the following key terms in relation to intercountry adoption but recognises that preferences around terminology may vary across the intercountry adoption community.

- **Adoptee:** The children and adults who have been the subject of an adoption order. Also known as adopted children and adopted persons.
- **Adoptive parent:** A person who has become the parent of a child or adult as the result of an adoption order.
- **Birth parents:** The biological mother and father of an adoptee.²

A detailed glossary and list of acronyms is included at **Appendix 5**.

Executive Summary

The Independent Investigation into Historical Intercountry Adoptions from the Republic of Korea (ROK) to Australia (the Investigation) responds to longstanding community advocacy and the March 2025 findings of the ROK's November 2025 Truth and Reconciliation Commission (TRC) Report.³

As outlined in the Investigation's Terms of Reference (ToR), Stage 1 of the Investigation has explored research and data available across Commonwealth and state and territory governments between 1964 and 1999. Most of the documentation analysed in Stage 1 of the Investigation came from Commonwealth agencies in response to requests from the Investigation, archived documents from the National Library of Australia (NLA), academic publications and open-source online material. Due to the challenges of retrieving a diverse range of records (often hard copies) spanning an extensive time period, research and data collection is still ongoing. Additional information or findings may be included in the Final Report following Stage 2 of the Investigation.

Intercountry adoptions from the ROK have occurred throughout the past 60 years, with significant numbers of adoptees entering Australia from the late 1970s. Chapter 2 contextualises this history in the light of changing attitudes to intercountry adoption both domestically and globally. Chapters 3 and 4 highlight the evolving legislative environment and frequent public criticism of ROK-Australia adoptions. They also highlight how an inconsistent operating environment led to an uneven development of safeguards, processes, and procedures for adoptions. This was fuelled by:

- Changing attitudes to the acceptability of intercountry adoption
- Frequent changes in the roles that states, territories and the Commonwealth played in intercountry adoption
- Inconsistencies between state and territory approaches to intercountry adoption.

Until Australia ratified the Hague Convention 33 on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Hague Convention) in 1998,⁴ state and territory governments held full responsibility for intercountry adoption under their respective adoption legislation.⁵ The Commonwealth's role during this time was to administer immigration processes associated with overseas adoptions. Following ratification of the Hague Convention, the Commonwealth was increasingly involved in the national coordination of adoptions especially after the Attorney-General's Department assumed Australian Central Authority (ACA) responsibility for all intercountry adoption programs in 2007. The ACA function transferred to the Department of Social Services (DSS) in 2019.⁶

Chapter 3 illustrates how legislation developed over time, as Australia gradually transitioned from decentralised administrative arrangements toward a unified,

internationally-compliant system aligned with the Hague Convention. At the same time, the international human rights landscape, and Australia's positioning within it, evolved significantly over the period under investigation. Notably, Australia ratified the Convention on the Rights of the Child⁷ in late 1990, which created obligations on States Parties to ensure that the best interests of the child were paramount, and to put in place safeguards to protect the children who enter Australia via intercountry adoption (Article 21), as well as to incorporate these provisions into Australia's domestic legislation and policy.⁸

The Investigation has uncovered and analysed a variety of information pertaining to intercountry adoption across Australia, including information specifically related to adoption from the ROK.

The ROK-Australia intercountry adoption program developed and operated within a fragmented and inconsistently regulated governance environment. Australian authorities appear to have been aware of legal, procedural and ethical concerns, including public allegations about adoption practices and international criticism of the ROK adoption system. However, available evidence suggests Australian governments generally relied on assurances from the ROK Government and its identified adoption agency Eastern Social Welfare Society (ESWS), and there is presently limited evidence that independent investigations, enhanced oversight mechanisms, or temporary suspensions of the program were pursued in response to these concerns.

Based on the information gathered to date through Stage 1 of the Investigation, I have made the following preliminary findings, which are outlined in more detail in Chapter 5. These are subject to change should further information come to light through the next stage of the Investigation.

1. All Australian states and territories operated within a decentralised framework for intercountry adoption prior to the ratification of the Hague Convention in 1998. Accordingly, there was no clear national governance framework for ROK-Australia adoptions when the program commenced.
2. Commonwealth records demonstrate governance and procedural risks with the administration of ROK-Australia adoption processes.
3. Prior to 1978, Australian authorities engaged in fragmented adoption arrangements with a range of private ROK agencies that managed a limited number of intercountry adoptions.
4. By 1986, the Commonwealth recognised the practical and legal challenges created by inconsistency in state and territory adoption laws and moved to create national guidelines on intercountry adoption.
5. Commonwealth authorities relied on assurances from the ROK Government and ROK adoption agencies rather than independent verification.

6. Domestic and international media allegations concerning the commodification of children were known to Australian authorities.
7. Australian authorities were aware that the ROK Government was highly sensitive to allegations of unethical adoption practices at the time.
8. At times, it appears that Australian authorities prioritised demand for adoptable children above child welfare considerations.

It is expected that Stage 2 of the Investigation will provide further insights as analysis of state and territory actions and individual adoption files are made. When examined in conjunction with the material from Stage 1, these insights will allow for findings to be made as to whether there were systemic failures or unethical practices within Australia during the time in question relating to intercountry adoption with the ROK.

Next Steps

Stage 2 of the Investigation will include three key components – a file audit, analysis of written submissions from adoptees and their supporters, and the collection and analysis of aggregated adoption data from states and territories. The approach to Stage 2 has been designed to accommodate requirements of state and territory adoption legislation, and to be compliant with Commonwealth privacy laws.

Chapter 1 – Background and Scope

Introduction

This Investigation gives effect to the Australian Government's 2025 Federal Election Commitment to examine the historic Republic of Korea (ROK)-Australia intercountry adoption program following the findings of the ROK's Truth and Reconciliation Commission (TRC) Report first released in March 2025⁹, and in light of long-standing community concerns.

Adoption is defined as:

the legal process by which a person legally becomes a child of the adopting parent(s) and ceases to be a child of his/her existing parents.¹⁰

The Investigation's scope is to review historical intercountry adoptions from the ROK to Australia between 1964 and 1999, and to assess Australian Commonwealth and state and territory government oversight, ethics, and regulatory compliance during this time period.

Terms of Reference

The Terms of Reference (ToR) of the Investigation outline its scope and purpose and how it will be governed.

The ToR provides an overarching objective for the Investigation: to determine if there were any unethical practices or potential systemic failures in Australia's approach to adoptions from ROK between 1964 and 1999. A copy of the ToR is at **Appendix 1**.

The Investigation acknowledges its possible impact on intercountry adoptee stakeholders, and thereby supports transparency, accountability, and healing. While the Investigation cannot pre-empt any future decision of any government, it seeks to take a holistic view of the practices, processes and systems, with a view to identifying any unethical or systemic failures and potentially informing future practice.

The purpose of the Investigation is to:

- examine historical intercountry adoption systems and processes in Australia relating to adoptions from the ROK.
- identify any potential systemic failures, or unethical practices within Australia during the relevant timeframe.
- support transparency, accountability, and healing for affected adoptees and their families.

In line with the ToR, Stage 1 of the Investigation focused on research and data collection across Commonwealth and state and territory governments between 1964 and 1999.

In brief, the Investigation:

- Reviewed the Commonwealth's management of intercountry adoption processes and procedures during the relevant period.
- Identified whether Commonwealth agencies were aware of irregularities in the facilitation of adoptions from ROK to Australia, including any actions taken.
- Identified and documented state and territory government processes and procedures in place during the Investigation period, noting that it is anticipated that further information regarding state and territory government practices will be provided as part of Stage 2.
- Considered potential failings in procedure or process within the relevant Australian government agencies, and any processes or practices which contributed to, or failed to prevent, the occurrence of illegal or illicit practices in Australia.
- Engaged with adoptee stakeholder organisations to understand the impacts of processes and procedures in place during the Investigation period.

Engaging with the breadth of historical information outlined above addresses Point 1 of the Investigation's purpose. Point 2 and 3 will continue to be a focus of the next stage of the Investigation, guided by the information presented in this report.

While the specific design of Stage 2 of the Investigation is still being developed at the time of this Report's completion, it is envisaged it will involve an inspection of adoption files from NSW and Victoria (VIC). Adoptees whose adoption was registered outside NSW and VIC will also have the opportunity to submit their adoption files for inspection. In addition, adoptees and their supporters will be invited to provide written submissions, and the Investigation will also examine aggregated data provided by states and territories.

I thank the NSW Government for its support of the Investigation's work, including progressing regulatory amendments to allow for the inspection of adoption records in Stage 2.

The ROK Investigation

Commencement and scope

The TRC investigation commenced in December 2022, following submissions in August 2022 led by the Danish ROK Rights Group. The TRC examined historical intercountry adoption practices based on cases from 367 adoptees sent to Europe, the United States, and Australia between 1964 and 1999.¹¹

Relevant reports and Commission status

A TRC Interim Report was released in March 2025, identifying human rights violations within the ROK's intercountry adoption process. The second stage of the TRC investigation was concluded in April 2025. On 26 February 2026, the ROK launched a third TRC investigation. As at the end of August 2026, the Australian Government has not been contacted by either the TRC or the ROK Government regarding the TRC investigation.

The TRC Report *Human Rights Violations in Intercountry Adoption* was released in November 2025. The Investigation understands at least eight (potentially up to ten) Australian adoptees lodged submissions. Up to five have received individual confirmations of findings. The TRC Report confirms human rights violations occurred within the ROK.

TRC Findings

The findings of the TRC confirmed widespread fraud and human rights violations in the ROK's foreign adoption system, which sent 141,778 children abroad, mostly to the United States of America, Europe, and Australia between 1955 and 1999.¹² The Report cited evidence of forced relinquishments, falsified records, infant switching, and systemic corruption in the ROK agencies.¹³

The TRC identified flaws both in the intercountry adoption process in the ROK, and human rights violations committed by ROK authorities against children adopted overseas between 1964 and 1999 as follows:

1. Loss of identity and family records through illegal adoption
 - 1.1. Intercountry adoptions carried out without meeting the legal requirements of ROK
 - 1.2. Deliberate substitution of children's identities
2. Human rights violations of abuse and leaving someone without a nationality
3. Loss of the ability to trace one's origins.¹⁴

For the purposes of the Investigation, the TRC's findings have been accepted and form part of the evidence base. In the Report's overview the TRC identified the following context:

In the aftermath of the Korean War, the South Korean government promoted intercountry adoption of war orphans and mixed-race children housed in facilities, citing the burden of relief costs and concerns over undermining the nation's "monoethnic" tradition. In 1961, the Act on Special Cases concerning Orphan Adoption was enacted, and a 1966 amendment restricted intercountry adoption mediation to government-authorized adoption agencies. During the 1970s and 1980s, the program expanded to include children born to unmarried mothers, and the overall scale of intercountry adoptions grew significantly.

Government-licensed adoption agencies extended their operations to centers [sic] for missing and abandoned children, facilities for unmarried mothers, and child counseling centers [sic]. These agencies became involved in the entire process that spanned securing children in need of care, verifying their identities, providing consent as guardians, linking children with adoptive parents overseas, and arranging their departure. In addition to official adoption fees, large sums were often transferred as purported donations, fuelling the industrialization of intercountry adoption and the commodification of children.

During this period, reports surfaced of young victims of crime or missing children being misclassified as abandoned, as well as of children suffering abuse, dying, or failing to be adopted in the receiving countries.¹⁵

The TRC findings demonstrate that the ROK adoption system prioritised economic objectives and 'viewed adoption not through the lens of child welfare or human rights, but purely in terms of diplomatic gain.'¹⁶ State agencies, adoption institutions, and hospitals within the ROK falsified records, labelled children as orphans or abandoned, and in some cases switched identities when adoptions fell through. Birth parents were often deceived or pressured into relinquishing children, and only a small fraction of adoptees seeking to trace their origins have managed to reunite with birth families.

Signing and ratification of the Hague Convention

The ROK ratified the Hague Convention on 1 October 2025, having been a signatory since 2013.

Australia ratified the Hague Convention on 25 August 1998, having been a signatory since 29 May 1993. Until 2025, Australia and ROK adoptions were facilitated through ESWS, an ROK adoption agency, under the *Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 2023*. From the mid-2020s, the ROK moved adoption oversight from private agencies to state control under the National Centre for the Rights of the Child.

Oversight of ROK-Australia Intercountry Adoption Program

The New South Wales (NSW) Department for Youth and Community Services signed the first formal ROK–Australia intercountry adoption agreement with ESWS in 1977. Over the time under investigation, states and territories intermittently took responsibility for intercountry adoption with a particular country as a 'lead state'. As the lead state for the ROK-Australia program at the time, NSW was responsible for the initial eligibility and suitability assessments for prospective adoptive parents from all states and territories applying to adopt from the ROK. In its lead state role, NSW also functioned as the primary liaison with ROK authorities. Additionally, NSW received the majority of ROK adoptees between 1964 and 1999. For these reasons, and due to difficulty accessing

equivalent information from all jurisdictions, this report has a greater focus on the ROK-Australia adoption program in NSW than in other states and territories.

The Investigation is aware of media reporting about concerns raised in the 1980s by a former NSW Government social worker.¹⁷ These concerns relate to the practices of ESWS, the NSW vetting process for prospective adoptive parents, and oversight of adoptee travel to Australia. My investigation into the concerns raised will be addressed into Stage 2 of the Investigation.

Intercountry adoption largely continued to be managed by individual states and territories until the Australian Central Authority (ACA) through the Attorney-General's Department assumed national coordination responsibility for all intercountry adoption programs in 2007.¹⁸ The ACA function was transferred to the Department of Social Services in 2019.

Limitations

This Investigation operates independently within the remit granted by the Minister for Social Services, the Hon Tanya Plibersek MP.

As a non-legislated independent investigation, it does not have the power to compel documents or information from Commonwealth agencies, state and territory governments, private organisations, or individuals.

The Investigation Taskforce have worked with Commonwealth agencies, and state and territory government authorities, and where legally permissible examined relevant actions and procedures for intercountry adoption between the ROK and Australia during the period under investigation. However, there is no mechanism available to the Investigation to confirm that all relevant information has been made available. Compounding this is the limited ability to access information due to the historic nature of the Investigation.

In addition to state, territory and Commonwealth agency contributions, information in this report has been sourced from publicly available repositories including the National Library of Australia (NLA), published research, online material and media reporting. It has sought to draw on a wide range of sources to ensure a balanced analysis of the ROK-Australia intercountry adoption program. Source material has been referenced throughout where possible, and where information in the report represents the opinion of the original author this has also been highlighted.

At times, it has also been necessary to consider intercountry adoption policies and procedures with the ROK in the broader context of Australian authorities' intercountry adoption practices with other Southeast Asian countries. This is because many archived documents, particularly those discovered through NLA research, suggest that those countries were at times viewed as a collective.

The preliminary findings in this report are based only on information available at the time of drafting. In line with the ToR, Stage 1 of the Investigation focused on research

and data collection across Commonwealth and state and territory agencies, noting that that further information regarding state and territory government practices will be provided as part of Stage 2. This will include NSW policy documents which were not reviewed as part of Stage 1 and will be key to understanding the role of the NSW Government, which led the ROK-Australia adoption program for all states and territories for much of the Investigation period.

Chapter 2 – History of Intercountry Adoption in Australia

Historic attitudes to adoption

Adoption has a long history in Australia as a form of social welfare. Prior to the 1980s domestic adoption was promoted as a 'solution to social problems' and supported by governments, churches and welfare agencies.¹⁹ Policies which created the Stolen Generation via the forced removal of First Nations children from their families persisted from the 1900s to the 1970s. From the 1950s to the 1980s, forced removal of children from single mothers also contributed heavily to the number of children available for domestic adoption. As Jamrozik and Sweeney have noted, 'the child saving movement became a moral crusade, seeking to correct and control the poor.'

The [child welfare] system has been predicated on the view that children needed to be rescued from those parents who did not have the innate qualities, right values, correct attitudes and appropriate behaviours considered to be necessary for parents to act in a 'socially acceptable' way.²⁰

Similarly, Kim et al have claimed that:

The notion of benevolent saviourism in intercountry adoption is rooted in paternalistic mindsets that position Western countries, including Australia, as rescuers of children from the Global South and East.²¹

Changing social and political attitudes eventually led to a decrease in the number of children being placed for adoption within Australia. This decrease in domestic adoptions over the past 50 years is the result of multiple factors, including:

- Increased social acceptance of raising children outside marriage,
- Increased levels of support available to single parents, and
- Reduced numbers of unplanned and unwanted pregnancies due to increased accessibility of contraception and abortion.²²

Prospective adoptive parents began to look overseas for children to adopt. Intercountry adoption programs began in Australia in the 1960s. The first recorded adoption of a South Korean child to Australia occurred in 1969, although it is likely that some children from the ROK entered Australia through private adoption processes earlier than this.²³

Further, intercountry adoption to Australia began at scale after the period defined by the Stolen Generations, Australia's forced adoption era and the White Australia Policy in the late 1970s to early 1980s.²⁴ Kim et al have stated:

Transracial–transnational adoption in Australia began after a long history of racially restricted immigration under the White Australia Policy, coinciding with the country's shift towards multiculturalism.²⁵

Interest in intercountry adoption was also fuelled by its popular perception as a humanitarian intervention for vulnerable children in developing nations.²⁶

This Investigation has heard from stakeholder organisations about the immense impact of intercountry adoptions on individuals. While South Korean adoptees are resilient, many experience lifelong impacts and trauma as a result of their adoption, which may have been compounded by a lack of support by Australian society and governments.

Appendix 3 provides detail on stakeholder groups' preferred approaches to engaging with the ROK intercountry adoptee community.

Historical Adoption Governance in Australia

Before 1998, the governance of intercountry adoption in Australia was highly decentralised, with state and territory governments holding full responsibility under their respective adoption legislation.

Intercountry adoption on a significant scale commenced internationally in the period immediately after World War II, particularly from Europe, Japan and China. At scale intercountry adoption to Australia commenced with 'Operation Babylift', a humanitarian-driven evacuation of 292 Vietnamese children brought to Australia from South Vietnam in 1975.²⁷

According to the National Archives of Australia, Operation Babylift was a tragic event spurred by a humanitarian motive to rescue war orphans:

Some saw Operation Babylift as a humanitarian act, while others were concerned about the future of the children in Australia.²⁸

The numbers of South Korean children being adopted overseas increased dramatically in the aftermath of the 1950s Korean War.²⁹

When intercountry adoption first commenced in Australia there were no agencies to approve couples or supervise placements, and adoption was very much on an individual or ad hoc basis.³⁰ In some jurisdictions, such as VIC, some existing adoption agencies were approved to arrange intercountry adoptions.³¹

During the 1960s, the Commonwealth's role was limited to administering immigration processes associated with overseas adoptions. As international adoption activity expanded during the 1970s, the Commonwealth began to play a more active coordinating role.³²

Research posits that intercountry adoption, particularly from the ROK, did not arise naturally but through purposeful and organised actions by advocacy networks prior to any formal government regulation. Fronek has called these advocacy groups a 'proponent network' and describes the network as:

a complex structure of connected actors operating within and outside Australia. It emerged in the 1970s with the common goal of enabling ICA, first from Vietnam then Korea.³³

Early adoptions from the ROK were largely private arrangements, undertaken without state or federal legislative frameworks in place. Formal ROK adoption programs were established unevenly across states, with NSW commencing a program in 1977 and Queensland (QLD) and Tasmania (TAS) in 1983. No formal bilateral treaty existed between Australia and the ROK. Instead, adoptions operated through working arrangements.³⁴

Researchers Song and Gustafsson have argued that there may have been deliberately low visibility in the early days of ROK to Australia intercountry adoption to avoid public controversy in the context of the *Immigration Restriction Act 1901*. They describe intercountry adoption during this period as operating like a form of 'quiet migration', aligned with broader state strategies for managing racial change without public confrontation, stating that:

From a migration perspective, Korean adoption to Australia has been facilitated and sanctioned by both Korean and Australian states as quiet, orderly children migration from so-called: deficient families out of Korea to adoptive families in Australia.³⁵

Early Policy Advice

In 1974, a Social Welfare Commission (Commission) was created to act as an independent policy advisory body to the Australian Government on social welfare and social services matters. A conference organised by the Commission in July 1974 was intended to both consider the establishment of a National Adoptions Agency for intercountry adoptions and make recommendations surrounding procedures for such adoptions.

At the conference, it was decided not to establish a National Agency. Instead it was recommended that:

the interests of all parties to inter-country adoptions would be better served by an arrangement involving the attachment of appropriate professional staff to the Department of Foreign Affairs in countries where inter-country adoptions are a matter of concern.³⁶

It appears that states were not ready to recognise such an agency.³⁷

A further conference, held in 1974, considered issues with adoption law inconsistencies between jurisdictions, the 1959 UN Declaration of the Rights of the Child³⁸, and concerns about administrative coordination, consent, and the child's best interests.³⁹

The Commission was abolished by the Australian Government in February 1976.

Cross-government collaboration

The Council of Social Welfare Ministers (CSWM) was established in the early 1970s, during a period of major social policy reform. The CSWM was a ministerial forum bringing together Commonwealth and state and territory ministers responsible for social welfare, to coordinate policy and programs. The CSWM facilitated cooperation in adoption practices across jurisdictions.

By 1975, the growing complexity of intercountry adoption led to the establishment of an Interdepartmental Committee designed to facilitate cooperation between Federal and state welfare authorities.⁴⁰ This reflected early recognition that, despite constitutional responsibility for adoption laws resting with the states and territories, the international nature of intercountry adoption created issues that crossed jurisdictional boundaries.

Academic criticisms provided to the Social Welfare Commission included that:

- From the early 1970s, there was a shortage of children available for adoption domestically, leading to intensified pressure on agencies to satisfy adoption demand.
- Adoption was treated as part of the same administrative system that manages child protection, fostering, and institutional care. Adoption decisions were bureaucratic and administrative, rather than being driven by the best interests of the child. While adoption law formally declared that the welfare and interests of the child are paramount, this principle was not upheld in practice.
- There was a lack of long term follow up and outcome data in adoption practice. Once adoption was finalised, statutory involvement ended and agencies had limited knowledge of how adopted children fared in later childhood or adulthood.⁴¹

In 1978, a state and territory Intercountry Adoption Committee was established to develop a more integrated and co-ordinated approach across jurisdictions, and a draft agreement was drawn up for discussion with overseas countries. In the same year, representatives of all the states and territories (except QLD) visited Thailand, Sri Lanka, Hong Kong, ROK and Indonesia for the purpose of establishing relationships with adoption agencies and in an attempt to standardise procedures between the countries. The visit highlighted the ROK preference for maintaining intercountry adoption through informal arrangements rather than formal agreements. The subsequent report to state and territory adoption authorities stated that the ROK Government was highly sensitive

to publicity surrounding intercountry adoption and regarded adverse media attention as a potential threat to the continuation of the program.⁴²

'Lead' or 'Contact' States

In the late 1970s a system was trialled but was initially unsuccessful, under which an individual state or territory undertook primary responsibility for intercountry adoption with a country on a 'portfolio' basis, also referred to as a 'lead state' or 'contact state'. Rather than having the status of bilateral treaties, the arrangements negotiated with ROK (as well as Sri Lanka and the Philippines) simply had the status of agreed working arrangements between the state and territory Intercountry Adoption Authority.⁴³

The states and territories revisited this approach at numerous points over the period under investigation. Documents suggest Australia moved again to a 'lead state' model in 1980 and moved towards national coordination with the development of common procedures in 1981.⁴⁴

Global lobbying for uniform procedures

Globally, there was strong lobbying for uniform intercountry adoption procedures in the late 1970s leading to the changes that occurred in the early 1980s. From 1977 to 1981, another Intercountry Adoption Committee, this time responsible to the CSWM, was created and met regularly to monitor and develop standards. After the creation of a set of standard procedures for the adoption of children, the Committee lapsed in 1982. The standard procedures were adopted by the CSWM in 1983, but criticism continued regarding the management of intercountry adoption procedures. Agitation continued for the development of proper and uniform strategies Australia wide, coordinating the activities of both federal and the state and territory governments.⁴⁵

Development of National Guidelines and Standards

In 1983, the CSWM adopted National Guidelines and standards intended to remedy inconsistencies in practices, safeguards and ethical oversight across states and territories. The Department of Foreign Affairs and the Department of Immigration and Ethnic Affairs had been involved in the development of the intercountry adoption program and welcomed the introduction of standard guidelines. Persistent implementation challenges, however, resulted in dissatisfaction by 1985, including attempts by some parties to bypass established procedures. Pressure on intercountry adoption had grown and many welfare departments had been professionally, administratively and financially strained to meet the response and the expectations of prospective adoptive families and government responsibilities.⁴⁶ This exposed loopholes in procedures which undermined the safeguards of the 1983 guidelines.

At their annual conference in 1985, the CSWM expressed concern with the program and resolved that they should seek the agreement of the Commonwealth Minister for Immigration and Ethnic Affairs to establish a Joint Committee to 'determine strategies for

the effective and efficient management of intercountry adoption services, with a view to enhancing a co-ordinated Commonwealth [Immigration and Foreign Affairs], state and territory approach to the service.⁴⁷ In response, a Joint Committee on Intercountry Adoption was convened and in late 1986, the Minister for Immigration and Ethnic Affairs and the CSWM set uniform national requirements and practices for all jurisdictions, monitored by a Standing Sub-Committee on Intercountry Adoption.⁴⁸ The role of the Joint Committee was expanded to that of an ongoing Standing Sub-Committee on Intercountry Adoption, to encompass implementation and monitoring issues arising from a 1986 report and subsequent decisions.

In 1985, the CSWM and the Federal Minister requested a report 'to determine strategies for the efficient management of services with a view to enhancing a coordinated Federal, State and Territory approach to the service of intercountry adoption.'⁴⁹ Consequently, a report was prepared for the Ministers and was endorsed by them as the National Guidelines 1986. The report recommended that:

- Intercountry adoption remain the responsibility of the state and territory welfare departments in conjunction with the Department of Immigration and Ethnic Affairs and with the co-operation of the Department of Foreign Affairs.
- The Department of Immigration and Ethnic Affairs (with the co-operation of the Standing Sub-Committee on Intercountry Adoption and the Department of Foreign Affairs):
 - monitor and maintain all intercountry adoption arrangements and agreements
 - co-ordinate information and enquiries on existing arrangements and agreements and the negotiation and re-negotiation of future arrangements and agreements.⁵⁰

The 1986 National Guidelines highlighted that the rights, welfare and interests of the child were paramount. The guidelines outlined the conditions under which the adoption of an overseas child by an Australian citizen could be considered, including the requirements for assessing prospective adoptive parents, guardianship of children, and supervision and decisions on final placements. They also instructed that the domicile clause be maintained throughout Australia. The domicile clause is a legislative requirement for prospective adoptive parents to be habitually resident, or 'domicile' in the overseas country they wish to adopt a child from, for a period of time before that adoption will have legal standing in Australia. While intercountry adoption remained the responsibility of the states and territories in conjunction with the relevant federal department, in any review of the jurisdiction between states and territories in respect of children, consideration should be given to the Family Court's jurisdiction being extended to adoption matters. Further, the relevant federal department was intended to monitor and maintain all intercountry adoption arrangements and agreements and coordinate information and inquiries and the negotiation of future arrangements and agreements.⁵¹

When considering issuing a visa to an adopted child, the Department of Immigration and Ethnic Affairs needed to be satisfied that:

- The adoptive parents were suitable.
- The child was free for adoption and the proper process in the overseas country was followed.
- Normal immigration requirements were satisfied.
- The overseas country would allow the child to travel to Australia.⁵²

1989 Victorian review of intercountry adoption services

As of 1989, a Victorian review of intercountry adoption services described intercountry adoption as involving a close relationship between the Federal Government and the state and territory governments because of the division of power between them:

- State and territory responsibility – adoption has always been the domain of states and territories in both the legislative and administrative areas. That is, each state and territory has the responsibility for legislation which governs applications for an adoption order, whether local or overseas. The state and territory departments carry out the administrative responsibilities for all adoptions in Australia.
- Federal responsibility – The Federal Government is involved in the following legislative or administrative areas:
 - Immigration – The Federal Government is concerned with the critical question of the entry of non-citizens in Australia, and the issuing, or not, of visa for entry. Where a visa is sought for a child who is the subject of a proposed intercountry adoption within one of the states or territories, the federal department needs to be satisfied of a number of matters including that the proposed adoption accords with the laws of the relevant state or territory. Part of this responsibility also includes questions around the health of the child in question.
 - Overseas Arrangements – The Federal Government's role extends to the making of appropriate agreements or arrangements with overseas governments and facilitating the assessment of overseas agencies on behalf of the states and territories. This latter task is performed through the investigation of agencies and relevant legislation in the overseas country and the provision of that information to the states and territories and to the Standing Sub-Committee on Intercountry Adoption.
 - Citizenship – the granting of Australian citizenship to children adopted by Australian citizens. The validation in an Australian court, or recognition of, an overseas adoption in Australia does not result in the automatic acquisition of Australian citizenship.
 - Guardianship – The Commonwealth legislation provides that the relevant federal minister is the guardian of a child who enters Australia for the purposes of intercountry adoption and that guardianship continues until the

child reaches 18 years, leaves Australia or is adopted. This is delegated to the Directors-General of state departments.⁵³

At the CWSM 22nd Annual Conference in Adelaide in March 1991, ministers expressed concern about adoptive parents who ignore the appropriate processes for intercountry adoption and discussed the transfer of intercountry adoption to the Commonwealth. Ministers also discussed engagement in the drafting of the Hague Convention on Intercountry Adoption and agreed on a delegation to represent Australia. They agreed the issue of the Central Authority for the Hague Convention needed to be dealt with by the Commonwealth in consultation with the state and territories.⁵⁴

Australian Inquiry into Adoption of Children from Overseas (2005)

Following review of the 2003-2004 Annual Report of the Australian Institute of Health and Welfare, the House of Representatives Standing Committee on Family and Human Services resolved to conduct an inquiry into how the Australia Government could better assist Australians who are adopting or have adopted children from overseas countries. The Standing Committee published a report on the Inquiry into Adoption of children from Overseas in 2005.⁵⁵

Submissions to the Inquiry provided information confirming:

1. No single national 'agency' responsible for adoptions from the ROK to Australia existed prior to 1998

Submission No. 206 (Victorian Government) provides the clearest historical account. It explains that before 1998, Australia did not have a single central authority responsible for managing intercountry adoptions, including those from ROK. Instead:

- 'In 1980, Australia the Council of Social Welfare Ministers agreed to establish a system of contact states was established. This system was re-established by the Central Adoption Authorities as a lead State System. States and Territories take a lead role for the establishment of new programs or once a program is established [sic] for coordinating the policy and legal issues, but not the management of individual applications.'⁵⁶
- There were no Australian agencies facilitating intercountry adoptions at the outset.

The Inquiry report confirmed the fact that from the 1950s small numbers of children from Japan and ROK are believed to have entered Australia through adoption-like arrangements (not as migrants).

By the 1970s, two processes converged which are considered to have contributed to the gradual social acceptance of intercountry adoptions from Southeast Asian countries:

- The formal dismantling of racial immigration restrictions (Migration Act 1966; full removal of racial criteria by 1973)

- The rapid expansion of intercountry adoption following 'Operation Babylift', in 1975, previously referred to on page 15.

Families often travelled overseas and arranged their own adoptions in the 1960s–70s.

2. Early oversight was fragmented across federal–state committees

From 1977 to 1981, an Intercountry Adoption Committee, responsible to the CSWM, met regularly to develop guidelines and coordinate practices. This was the closest thing to structured oversight but was not an adoption agency, nor ROK-specific.

3. Delegations negotiated bilateral arrangements—not agencies

In 1978-1980, Australian delegates visited several countries, including the ROK, to negotiate working arrangements to protect children's interests. These negotiations helped formalise processes but did not create an operational agency administering ROK adoptions.⁵⁷

4. The first true 'Central Authority' only existed after 1998 – following Australia's ratification of the Hague Convention.

Submission No. 206 (Victorian Government) is explicit that:

- For the first time, a Principal Central Authority in the Commonwealth Attorney-General's Department, and state and territory Central Authorities existed to administer intercountry adoption programs, and:
- 'On 1 December 1998, Australia ratified the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. This followed the agreements by the State and Territory Community Services Ministers to support ratification and recommend to the Commonwealth Attorney-General that Australia was in a position to comply with the Convention. In order to achieve this the Commonwealth amended the Family Law Act 1975 to allow the making of the Family Law (Hague Convention on Intercountry Adoption) Regulations 1998. The Regulations established a Central Authority in each State and Territory and a Principal Central Authority in the Commonwealth Attorney-General's Department. The Commonwealth and States reached an agreement on the implementation of the Hague, which was signed by the Commonwealth and the Community Services Ministers in 1998. This established the roles and responsibilities of the Commonwealth, States and Territories for the implementation of the Convention.'⁵⁸

Submission No. 175 (NSW Government) provides a Commonwealth-State Agreement for the Implementation of the Hague Convention was entered into in 1998 and with regards to this:

- 'The Agreement provides that the functions of a State Central Authority do not include any functions of the Commonwealth Central Authority (the Attorney General's Department) under the Family Law (Hague Convention on Intercountry

Adoption) Regulations 1998 ('the Regulations'). The Regulations provide that the functions of the Central Authority include 'cooperating with Central Authorities outside Australia on matters relating to the administration and implementation of the Convention.'

- 'However, due to inadequate resourcing and leadership from the Commonwealth Central Authority, States and Territories have been asked to assume responsibility for establishing, administering and implementing all intercountry adoption programs under bilateral agreements. NSW has responsibility for relations with Bolivia, Chile, Colombia, Costa Rica, South Korea and Taiwan.'⁵⁹

Submission No. 249 (Attorney General's Department) stated a 1978 Australian delegation to the ROK reported ROK Government 'reluctance to enter formal arrangements with Australia' at that time.⁶⁰ Submission No. 80 (Attorney General) identifies ROK as one of the non-Hague Convention countries with which Australia maintains bilateral adoption arrangements at the time of the submission (2005).

Submission No. 249 (Attorney General's Department) states that 'Korean adoption processes are strictly regulated. NSW has responsibility for the program between Australia and Korea in relation to policy and legal requirements.'

The acceptance of adoption files is done on a quota system and each year ESWS invites Australia to send a specific number of adoption applications. This number is then distributed equitably between the States and Territories on a per capita basis.'⁶¹

The 2005 Inquiry's Report regarding ROK reflected the sometimes fluid internal environment when it came to intercountry adoption and sometimes contradictory understandings of adoption procedures:⁶²

- 'The South Korean Government initially intended to cease all intercountry adoptions out of their country by 1980. The program closed in the late 1980s but was reopened.
- The South Korean Government strongly prefers to place all children within South Korea, if possible. Therefore, there is no formal agreement with Australia for the program. The only countries that the South Korean Government permits to receive their children are Australia and the United States [in 2005].
- The Ministry of Health and Welfare has authorised specific agencies to handle particular types of adoptions. The Eastern Social Welfare Society (ESWS) is the only agency authorised to handle adoptions from South Korea to Australia.'

Annual Reports – NSW State Government

The responsible NSW government authority for intercountry adoption released annual reports that include information related to the function of intercountry adoption across the period of this Investigation. Pertinent information below establishes how intercountry adoption operated in NSW over time and provides further context to the governance structures outlined above.

From 1970, NSW reports co-operation with the 'Australian branch of International Social Service in enquiries regarding adoptions either in, or affected by, overseas jurisdictions.'⁶³ International Social Services also worked with Victorian families to arrange a number of adoptions from ROK in the 1980s.

Reporting also referred to protective functions exercised by the authority for intercountry adoptees, including the issue of entry permits and the subsequent supervision of immigrant children under powers delegated by the Commonwealth Minister for Immigration; and the arrangement of the legal adoption of children.⁶⁴ In 1971, the Director of the Child Welfare Department was the legal guardian for persons under 21 who entered Australia as permanent residents outside the care of parents or other relatives.⁶⁵ The publication also highlighted the underlying principle of NSW adoption legislation to prioritise the best interests of the child.⁶⁶ As departmental responsibilities evolved, responsibility for issuing visas for children who were the subject of intercountry adoption rested with the Department of Immigration and Ethnic Affairs but only with the support of the NSW Department of Youth and Community Services.⁶⁷

Over time, the reports identified the complexity of intercountry adoption at times highlighting delays and issues with processing applications due to 'cultural differences, the distances involved and the limited resources of many overseas agencies.'⁶⁸ The NSW government provided an Overseas Seminars Programme as a forum for exchange between parents groups and families who adopted children from overseas and families interested in intercountry adoption, often with long wait times to access.⁶⁹ The 1986 Annual Report of the NSW Department of Youth and Community Service noted that speakers from the Anti-Discrimination Board spoke, describing 'the types of racial prejudice that may be encountered.'⁷⁰ NSW also explicitly recognised the protections required to ensure the safety of children who may be subject to intercountry adoption – such as the reintroduction of the domicile clause in 1987.⁷¹

Application Processing

Before the Hague Convention and the creation of a nationally harmonised intercountry adoption system (post-1998), each Australian state and territory managed intercountry adoption independently under its own Adoption Act. Although processes varied slightly across jurisdictions, they followed a broadly similar structure. The Commonwealth handled immigration and guardianship, while states and territories managed all assessment, approval, matching, and post-placement processes.

The steps below represent the typical intercountry adoption workflow within Australia before 1998, based on documented pre-1998 procedures.⁷²

1. States and territories processed intercountry adoption applications independently under their own Adoption Acts, including information sessions, eligibility checks, and assessment procedures.

2. Assessments involved home studies, interviews, criminal history checks, medical reviews, and mandatory education programs for applicants.
3. After assessment, state authorities prepared adoption files and liaised with overseas authorities, which conducted the matching of children to applicants.
4. Adoptive parents travelled overseas to meet and receive the child. Upon return, they participated in post-placement supervision and reporting.
5. The Commonwealth contributed through immigration responsibilities under the *Immigration (Guardianship of Children) Act 1946*.

National coordination began in the 1980s with guidelines and the creation of contact states to manage overseas programs.

Adoption Process

The steps below represent the typical process for adopting a child from the ROK between the 1960s to 1980s.

1. Step 1: Child Intake in ROK⁷³

Children were placed into the adoption system, such as orphanages or child-placement institutions. Child intake frequently resulted from direct relinquishment by single mothers and the social-welfare intake systems were tied to poverty and stigma - noting that later information emerged suggesting that many children were not true orphans and some records were incomplete or were found to have been falsified.⁷⁴

2. ROK Agency Creates the Child's File

ROK agencies compiled:

- medical information
- background narrative (often incomplete, sometimes later revealed as inaccurate)
- photographs
- legal relinquishment documents (or sometimes substitutes).

Documentation was not always reliable, and investigations have since uncovered falsified or altered records.

3. Prospective Parents Apply Through a Receiving Country Agency

States and territory government agencies (or authorised adoption agencies) were responsible for assessing prospective adoptive parents, conducting home studies, and approving applicants as suitable to adopt.

Assessment of prospective adoptive parents typically involved eligibility screening, including:

- marital status
- age limits

- citizenship or permanent residency
- health status
- infertility history (often required or strongly weighted)
- criminal history checks
- psychosocial assessment, usually conducted by a government social worker, or a contracted welfare agency operating under state authority.

The home study was the central documentary output of the state assessment process. The purpose was to determine whether applicants were 'fit and proper persons' to adopt, emotionally and psychologically suitable, and capable of raising a child from a different cultural and racial background. A home study usually included:

- Home environment assessment, housing conditions, safety and space for a child, neighbourhood context.
- Family dynamics: stability of the relationship, extended family support, attitudes to adoption and infertility.
- Motivation to adopt: reasons for seeking intercountry adoption, understanding of adoption loss and trauma, expectations of the child.
- Cultural and racial considerations: applicants' attitudes to race, capacity to support a child's cultural identity.
- Professional recommendation: approval, deferral, or rejection, sometimes with conditions or age/needs restrictions.

The completed home study became the official state endorsement used domestically and overseas. Assessments were inconsistent across jurisdictions, which led to the Joint Committee on Intercountry Adoption (1985), the reinforcement of national requirements (1986), and the creation of the Standing Sub-Committee on Intercountry Adoption to monitor compliance.

Parents in countries such as Australia, the US, or Europe submitted:

- application forms
- health and financial checks
- references.

Receiving country agencies sent the completed home study to ROK agencies for review.

4. Matching by ROK Authorities

Matching was often done overseas, using Australian home studies. ROK agencies—not the receiving country—matched children with families, based on child needs, family profile, and agency judgment.

5. Approval by Receiving Country

As outlined above, some states acted as 'contact states' for particular countries, a system endorsed by CSWM in the early 1980s.

The receiving country reviewed the file to ensure the adoption met immigration and welfare standards. In Australia, visa approval depended on Commonwealth immigration law and guardianship processes, reflecting immigration responsibilities under the *Immigration (Guardianship of Children) Act 1946*. Australian states and territories had limited capacity to verify child background information, orphan status, and consent documentation.

Children were often escorted in groups on international flights to the receiving country, including by staff from the overseas adoption agencies like ESWS. Sometimes adoptive parents travelled to the ROK, but escorting was more common in the early decades.

New South Wales (NSW)

NSW is the only jurisdiction with detailed public reporting demonstrating an operational role in ROK intercountry adoption prior to 1998. Available information indicates NSW handled application processing, assessments, liaison with ROK agencies, record-keeping, and legal finalisation under NSW law, with a high concentration of ROK adoptions occurring in this state. NSW received the majority of ROK adoptions in the early years of the program, up until the 3 years from 1990-91 to 1992-93, after which the concentration in NSW reduced to 20-30%.

- In 1990-91, NSW received 102 (50%) of the 203 children adopted from ROK.⁷⁵
- In 1991-92, NSW received 69 (65%) of the 106 children adopted from ROK.⁷⁶
- In 1992-93, NSW received 28 (56%) of the 50 children adopted from ROK.⁷⁷

Table 1 collates ROK adoption data from various sources between 1979-80 and 1997-98.

A report of the Standing Committee on Social Issues (December 2000), states that under the *Adoption of Children Act 1965*, all non-relative adoptions (local or overseas) could only be arranged by the Department of Community Services or a licensed NSW adoption agency.⁷⁸

This ensured intercountry adoptions could not operate under a separate or private process and the foundational steps, assessment, approval, matching, placement supervision, and Supreme Court order, followed the same framework as domestic adoption. The one major difference that did not apply to domestic adoptions: applicants had to show cross-cultural competency.

Before 1967, all adoptions, including adoptions of overseas-born children, were governed by the *Child Welfare Act 1939*. While the Act contained no specific provisions relating to intercountry adoption, it did require that *all* adoptions satisfy the Supreme Court that prospective adoptive parents were fit to look after the child to be adopted, and that the

welfare and interest of the child would be promoted by the adoption. The NSW *Adoption of Children Act 1965* transformed the adoption system by:

1. **Prohibiting all private (non-relative) adoptions.** From 1967 onward, private individuals could no longer legally arrange adoptions. Only the department or a licensed/approved private adoption agency could do so.
2. **Creating an approval and licensing scheme for private adoption agencies.** This was the first time NSW required adoption agencies to be formally authorised to operate.
3. **Requiring agencies to employ qualified social workers.** Licensed agencies had to deliver services under professional standards, including assessment, counselling, consent-taking, and placement support.

A 1986 report from the Joint Committee on Intercountry Adoption, to the Council of Social Welfare Ministers and the Minister for Immigration and Ethnic Affairs, pointed to a major issue affecting the welfare and status of children: the lack of a domicile clause in the adoption legislation in NSW (in addition to QLD, WA and NT). This permitted travel overseas for a short period solely or mainly for the purpose of adoption, to meet local short term residence requirements and obtain an adoption order capable of recognition in Australia.⁷⁹

For adoptions processed within Australia, NSW followed a similar process to the general Australian approach outlined above. There were several points of contact between NSW and the ROK.

1. **Assessments and home studies.** NSW conducted home studies and verified suitability before forwarding applications to ROK authorities.
2. **Liaison with ROK agencies.** The TRC relevantly identified that the Child Placement Service (CPS) was established in January 1954 under the ROK Ministry of Health and Social Affairs and acted as the primary coordinating body for overseas placements in the 1950s. Prior to 1978, adoptions were not processed by a single national authority, but by a small group of private agencies established under the ROK Ministry of Health and Social Affairs. These included CPS, Catholic Relief Services, Seventh-Day Adventist Adoption Services, Holt Adoption Program, and International Social Service.⁸⁰ These agencies operated orphanages, prepared children for overseas transfer, created case files and identity documents and liaised directly with foreign governments and adoptive parents.

In 1966, ROK legislative revisions restricted adoption services to adoption agencies authorised by the ROK Minister for Health and Social Affairs. This was followed by the introduction of the *Adoption Act* in 1977, further restricting the eligibility of adoption agencies. Four organisations were granted exclusive authority for intercountry adoption services: Korea Welfare Service, Korea Social Service, Eastern Child Welfare Service, and Holt Children's Services.

NSW collaborated with Eastern Child Welfare Service (later Eastern Social Welfare Society (ESWS)) - active since 1977 - to receive files, review children's backgrounds, and manage communications, positioning NSW as a key liaison point in the 1980s–1990s.

3. **Application processing.** In ROK, ESWS selected the child and proposed the match, then NSW could accept or reject the match, seek clarification and ensure procedural compliance. The efficacy of this process will be further reviewed as part of Stage 2 of the Investigation. NSW social workers 'interview[ed] prospective adoptive parents in Australia and match[ed] them with children using paperwork provided by ESWS.'⁸¹ Whether or not there were any discrepancies in this compliance regime is unknown, but importantly NSW relied upon the efficacy of the ESWS documentation as the appointed intercountry adoption agency for the ROK at the time.⁸²
4. **Court orders.** Adoption orders were issued through the NSW Supreme Court, completing the intercountry adoption process. These records are preserved but sealed for privacy. Some applications were lodged by private solicitors contracted by prospective adoptive parents. NSW provided formal reports and documentation for these applications.
5. **Records management.** NSW holds extensive adoption case files, including ESWS papers, medical records, and court materials, within the Department of Communities and Justice and the State Records Authority.

The above reflects publicly available information, and while NSW's role is well-documented, the absence of equivalent public reporting for other jurisdictions should not be considered to imply non-involvement. While NSW had lead responsibility for relations with the ROK from 1998 following Australia's ratification of the Hague Convention, including the establishment of a bilateral agreement, this does not necessarily imply that it had the same level of responsibility prior to 1998. All states and territories operated within a decentralised framework for intercountry adoption prior to the Hague Convention's implementation.

Adoption Data

Aligned with global Korean adoption trends, adoptions to Australia peaked during the mid-1980s at approximately 300 children per year.⁸³

Adoption data is currently recorded and reported on by the Australian Institute of Health and Welfare (AIHW). AIHW adoption data reporting did not yet exist in its modern form until 1991.⁸⁴ Prior to that, adoption data reporting varied across years:

- Up to 1985 - Australian Bureau of Statistics (ABS) Adoptions Australia

- In 1980-81 'Adopted persons born overseas are counted if an adoption order was made in Australia. Persons are counted in the State or Territory in which the adoption order was made... Data [was] collected by each State or Territory welfare department from its own records relating to adoptions.'⁸⁵
- 1986 and 1987 - No adoption data exists. This is documented in AIHW technical notes.
- 1988 to 1990 – The Standardisation of Social Welfare Statistics (WELSTAT) project occurred to harmonise the collection of social welfare data.

The varied approaches to reporting across the Investigation period create inconsistency in adoption data records. However, a 1986 report from the Joint Committee on Intercountry Adoption, to the Council of Social Welfare Ministers and the Minister for Immigration and Ethnic Affairs, included comprehensive data on intercountry adoptions from 1974 to 1985. There were 835 ROK-Australia adoptions during this period representing 36.38% of all intercountry adoptions.

An analysis of the jurisdictional data tables provided a significant increased number of adoptions to the previously reported ABS and AIHW data, and the reasons for this are unclear. The report indicates that this jurisdictional data:

- is not strictly comparable due to variances in children entering Australia verses adoptions complete or validated, calendar year versus financial year.
- varies from data from the Department of Immigration and Ethnic Affairs regarding children arriving in Australia for, or as a result of adoption.
- may not include adoptions completed overseas by Australians due to the automatic recognition of these adoptions by NSW, QLD, WA and NT, which had led to many of these children being recorded as entering Australia as the children of their (adoptive) parents. In these cases, the children may not show up in the data as entering Australia as a result of an adoption overseas.

The report shows that NSW and SA have been responsible for over 63% of all intercountry adoptions from 1974 to 1985 and that over 58% of all intercountry adoptees came from ROK and Sri Lanka.⁸⁶

Intercountry adoption is considered to have occurred in "three waves", with ROK adoption dominating the second wave in the late 1970s and 1980s. Government data collection on intercountry adoption was inconsistent and fragmented until the 1990s.⁸⁷

Table 1: Consolidated data derived from various reports on intercountry adoptions to Australia

	1974-85	1986-87	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-2000	TOTAL
ACT	14	-	10	12	18	12	3	1	3	5	2	7	2	5	3	97
NSW	360	-	45	103	163	102	69	28	22	15	23	21	18	14	15	998
NT	11	-	4	4	6	3	0	1	3	2	3	2	0	2	2	43
QLD	16	-	NA	38	10	8	8	6	10	16	15	18	14	17	14	190
SA	139	-	53	41	16	15	8	4	11	11	12	15	13	13	17	368
TAS	45	-	22	30	10	12	2	0	1	6	4	3	0	0	2	137
VIC	44	-	NA	8	14	37	11	5	17	9	19	13	18	12	12	219
WA	206	-	NA	NA	NA	14	5	5	6	14	16	5	4	7	5	287
TOTAL	835	Not available	134	236	237	203	106	50	73	78	94	84	69	70	70	2339

Caveats on data:

State allocation: AIHW records all adoptions finalised in Australia from 1968–69 onward but does not publish ROK-specific or state-level breakdowns for early decades.

The Korean Adoption Services (KAS) data includes children sent overseas from ROK from the mid-1950s and provides destination-country information, including Australia (from 1969), but does not track to which state children were allocated. KAS data is unavailable.

Placement vs finalised adoption: AIHW reports that children were often placed with a family before an adoption order is finalised. Overseas-born children may have been placed with the prospective adoptive parents a year or more before an adoption order is made. While the adoption orders for some children placed for adoption in a particular year would be finalised during that year, others would not be finalised until later—usually in the following year. The numbers recorded in this document are adoptions finalised.

1986-1987: AIHW reports do not contain intercountry adoption data for an 18-month period. The total number of adoptees reported may be lower than actual figures as a result.

Australian Institute of Health and Welfare (AIHW) Adoptions Australia Reports

Yearly AIHW adoption reports, from 1990-91 to 1998-99, provide insights into changing adoption demographics in Australia during this time.

There was significant fluctuation in the gender of adopted children. In the early years of the decade, there were significantly more female children being adopted (73% female in 1990-91) although as ROK adoptions reduced significantly so too did the proportion of females (29% female in 1996-97).⁸⁸

Table 2. Proportion of male and female children adopted from ROK to Australia⁸⁹

Year	Total number of ROK adoptees	Female adoptees (%)	Male adoptees (%)
1990-91	203	72.9	27.1
1991-92	106	62.3	37.7
1992-93	50	70.0	30.0
1993-94	64	54.7	45.3
1994-95	71	47.9	52.1
1995-96	94	51.1	48.9
1996-97	84	29.8	70.2

Year	Total number of ROK adoptees	Female adoptees (%)	Male adoptees (%)
1997-98	69	36.2	63.8
1998-99	70	30.0	70.0
1999-00	77	29.9	70.1

Chapter 3 – Legislation and Regulation History

Australia's intercountry adoption framework has developed incrementally over several decades. Prior to national harmonisation, intercountry adoption was primarily governed through state-based legislation, with the Commonwealth exercising limited but important responsibilities through immigration law. The evolution of legislation reflects Australia's gradual transition from decentralised administrative arrangements toward a unified, internationally compliant system aligned with the Hague Convention.

1946: Immigration (Guardianship of Children) Act (IGOC Act)

The Commonwealth's earliest legislative role in intercountry adoption derived from the IGOC Act. Under the IGOC Act:

- The Minister for Immigration became the legal guardian of any child arriving in Australia without a parent or relative, including children entering for adoption.
- The Act applied until adoption orders were finalised in an Australian court.

This statute provided the legal basis for the Commonwealth's involvement in the entry and guardianship of children adopted from overseas.

Pre-1970s: State-Based Adoption Legislation

During this period, intercountry adoption occurred in small numbers and was not governed by a distinct legislative framework. Processes varied, and there was no nationally coordinated policy approach.

Before formal Commonwealth involvement, adoption law and administration were the responsibility of state and territory governments. Each jurisdiction regulated all adoption matters, domestic and intercountry, under its respective Adoption Act. For example, the *Adoption Act 1984* (VIC) governed both local and overseas adoptions and vested responsibility for approvals, assessments, and placement oversight in state welfare departments.

Similarly, the *Adoption of Children Act 1966 - 1967* (SA) governed adoptions and was progressively amended to strengthen legal recognition of consent documentation and identity verification, and to standardise administrative and record-keeping procedures.⁹⁰

Bilateral relations

The Department of Foreign Affairs (DFAT) website states that full diplomatic relations between Australia and the ROK (post Korean war) were established in 1961. The ROK Consulate-General in Sydney (opened in 1953) was elevated to embassy status with a Chargé d'Affaires from January 1961. The first ambassador was in place from April 1962 (later, the ROK moved the Embassy to Canberra). In June 1962, Australia opened its Embassy in Seoul, ROK.⁹¹

1975: Family Law Act Reforms

The *Family Law Act 1975* reshaped parental responsibility and family law across Australia, though it did not replace state adoption powers. Adoption orders continued to be issued under state and territory legislation. However, the Act established national definitions and family-law principles that later informed post-placement decision-making and immigration-related guardianship arrangements.

1978: Removal of the domicile clause

The March 1978 Working Arrangements for Intercountry Adoptions established nationally agreed principles for Australia's intercountry adoption programs, developed by Commonwealth, state and territory authorities. It defined the respective responsibilities of states and territories in administering intercountry adoption arrangements. It confirmed that children entering Australia via intercountry adoption became subject to the Immigration (Guardianship of Children) Act, with guardianship vested in the Minister for Immigration and delegated to state and territory adoption authorities until the adoption orders were finalised.⁹²

The CSWM agreed to drop the 'domicile' or residence clause from state and territory adoption legislation. The purpose of this decision was to enable Australians to meet some countries' short term residence requirements for adoption purposes and to facilitate administrative processes and the recognition of overseas adoption orders for approved applicants. This decision was strongly opposed by many adoption groups as removing the major safeguard against unsatisfactory adoption standards and practices in overseas countries.

There were concerns raised at the time that this allowed unapproved, unacceptable or unsuitable prospective adoptive parents to directly adopt a child overseas. Removal of the domicile clause created a 'legislative loophole' which allowed a casual approach to intercountry adoption, inadequate preparation, inappropriate placements and condoned inadequate overseas requirements, including the commercial placement of children.⁹³ It placed pressure on the Department of Immigration and Ethnic Affairs to issue visas to a child in clearly inappropriate placements. In these cases, the child would enter Australia as a child of the family without state authority supervision. Most states eventually dropped the clause by 1986, except South Australia (SA), ACT and TAS - both SA and TAS felt deletion of the clause would lead to undesirable adoption practices.⁹⁴

The December 1978 Australian Delegation on Intercountry Adoption Report reflects Australia's early efforts to establish consistent and regulated intercountry adoption arrangements with overseas countries, including ROK. By clarifying procedures between Australian jurisdictions and overseas authorities and establishing mechanisms for cooperation, the report marked a significant step towards a nationally coordinated

intercountry adoption framework and laid important foundations for later national standards and Hague Convention implementation.⁹⁵

The paper presented in August 1978 on Adoption Legislation and Practice in Australia by the Australian Delegation of Social Welfare Authorities to Southeast Asian countries outlined Australia's adoption laws, administrative arrangements and intercountry adoption practices. It demonstrates that although adoption remained primarily a state and territory responsibility, jurisdictions had worked towards greater legislative uniformity and national consistency.⁹⁶

1986: National Guidelines on Intercountry Adoption

During the 1980s, inconsistencies across state intercountry adoption systems generated concern about safeguards, ethical standards, and administrative coordination. Australia responded by issuing its first National Guidelines on Intercountry Adoption (1986).⁹⁷ These guidelines:

- Sought to promote consistent practice across states and territories.
- Outlined principles for assessment, program establishment, record-keeping, and cooperation with overseas agencies.

Although influential, the 1986 guidelines were not legally binding, and implementation varied between jurisdictions.

Jurisdiction-specific responses included the Adoption of Children Act 1988 (SA) which was a significant legislative reform that modernised SA's adoption framework and strengthened the legal safeguards governing adoption practice. By ensuring that overseas adoptions were subject to formal legal scrutiny, government oversight and child welfare safeguards, the legislation helped align SA adoption practice with emerging national and international standards.

1980s–1990s: Migration Regulations and Visa Controls

As intercountry adoptions increased, the Commonwealth strengthened immigration controls by modifying migration regulations to establish adoption-specific visa pathways. These regulations:

- Required compliance with defined immigration criteria before an adopted child could enter Australia.
- Reinforced the Commonwealth's guardianship function under the Immigration (Guardianship of Children) Act.
- Supported states by regulating the lawful entry of children adopted overseas.

This period marked growing Commonwealth involvement but not yet a national adoption authority.

The Australian Department of Immigration and Ethnic Affairs' immigration policy sought to strengthen oversight of intercountry adoptions from countries such as ROK by requiring state and territory approval and assessment of adoptive parents. It sets out recommended procedures for states and territories to follow prior to authorisation of each individual child visa by the Commonwealth before entry into Australia.⁹⁸

"Australian Procedures Relating to Placement of Children from Other Countries for Adoption" (1983) was issued by the Council of Australian Social Welfare Ministers to establish nationally agreed procedures governing intercountry adoption in Australia. The document represents an important step in the development of Australia's modern intercountry adoption system. It defined the respective roles of State and Territory adoption authorities, the Commonwealth Government, immigration authorities, overseas posts, overseas child welfare agencies and adoptive parents. The document introduced structured arrangements between Australian authorities and recognised overseas child welfare agencies, including the use of home study reports.⁹⁹

The 1984 Department of Immigration and Ethnic Affairs Minute – Inter-Country Adoptions exposed the practical and legal challenges created by differing state and territory adoption laws. The paper identified inconsistencies in the recognition of overseas adoptions, guardianship arrangements, citizenship outcomes and migration requirements, often requiring Commonwealth officials to exercise significant discretion when assessing overseas adoption cases. It also highlighted growing concerns about independent overseas adoption arrangements and recommended stronger Commonwealth–state coordination, clearer legislative frameworks and formal government-to-government arrangements with overseas countries. These findings helped demonstrate the need for nationally consistent intercountry adoption procedures and contributed to later reforms aimed at harmonising adoption, migration and citizenship processes across Australia.¹⁰⁰

Intercountry Adoption, published by International Social Service, Australian Branch and the Department of Social Studies, University of Melbourne, brings together international principles, Australian policy guidance, state adoption criteria, and discussion of intercountry adoption practice in Australia during the mid-1980s. The publication provides insight into contemporary attitudes towards intercountry adoption in 1986, emphasising that the welfare and best interests of the child are paramount. Intercountry adoption should be considered only when suitable family or care options are not available within the child's own country.¹⁰¹

The publication advocated a cautious, regulated and child-centred approach to intercountry adoption, emphasising ethical practice, legal safeguards, cultural awareness, professional assessment, and protection of children from exploitation.

1993: National Minimum Principles in Adoption

The State and Territory representatives on the Intercountry Adoption Standing Sub-Committee endorsed 'National Minimum Principles in Adoption' to be implemented in each State and Territory's legislation, policy and practice.

The principles provided a comparative analysis (matrix) of state and territory adoption programs. The principles were intended to promote nationally consistent adoption policy and practices across Australia. While applying to adoption more broadly, the principles were significant for intercountry adoption, as responsibility was shared across Australian jurisdictions. The principles provided a framework for consistent decision making and administrative arrangements, helping to address differences in state and territory processes. This framework was important for maintaining confidence in Australia's intercountry adoption programs.

1998: Implementation of the Hague Convention

A major shift occurred when Australia implemented the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) in 1998, with agreement from all states and territories. Hague Convention implementation resulted in:

- Establishment of the Australian Central Authority (ACA) under the Family Law Act 1975. The ACA supports Australia's responsibilities under the Hague Convention, relationships with overseas countries, and has leadership on intercountry adoption policy.
- Mandatory creation of State/Territory Central Authorities (STCAs) to support the adoption process in each state and territory.
- Introduction of uniform minimum safeguards aligned with Hague Convention principles, including:
 - subsidiarity
 - prohibition of improper financial gain
 - accreditation of agencies
 - informed consent requirements
 - cross-border cooperation mechanisms.

At that time, the AGD's role was limited to ensuring that Australia as a whole met its obligations under the convention and performing minor functions as the Australian central authority. State and territory departments were also designated as central authorities under the convention, and different jurisdictions took the 'lead state' role in managing particular country programs.¹⁰²

This marked Australia's transition from a state-driven system to a nationally coordinated intercountry adoption framework.

Chapter 4 – Stage 1 Investigation Process

Investigation Process – Commonwealth agencies

Four Commonwealth departments with historical involvement in ROK-Australia intercountry adoption were asked to provide any documents and data that may be of relevance to the Investigation. Information was requested from:

Attorney General's Department (AGD)

- Context and background documents for Australia's ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, including any information which indicates ratification was borne out of specific concerns around intercountry adoptions generally, and specifically adoptions from the ROK to Australia.

Department of Foreign Affairs and Trade (DFAT)

- Context and background documents for Australia's ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, including whether there is any information which indicates ratification was borne out of specific concerns around intercountry adoptions generally, and specifically adoptions from the ROK to Australia.
- Any information or documents on historical engagement Post and DFAT had with adoptive parents, ESWS or the ROK Government which raised concerns with adoption practices (and if so, any information on actions taken to respond to these concerns).
- Any policies or procedures outlining Post's role in intercountry adoptions.
- Any cables during the relevant period that raised possible issues with intercountry adoption (especially the ROK program), and any actions taken.

Department of Home Affairs (Home Affairs)

- Any information or documents related to
 - the 1977-1981 Intercountry Adoption Committee, responsible to the Council of Social Welfare Ministers
 - the 'Joint Working Party on Intercountry Adoption' established in 1984 by the Social Welfare Minister's Council
 - the 'Standing Sub-Committee on Intercountry Adoption'
- A copy of the Report to the Council of Social Welfare Ministers and the Minister for Immigration and Ethnic Affairs of the Joint Committee on Intercountry Adoption.
- A copy of the first report of the Working Party that was received by the Council at its meeting in April 1986.
- Any other policy or procedural documents that are available which relate to the Immigration Minister's historical guardianship role for intercountry adoptees.

Department of Social Services (DSS)

- Examination of internal files to identify any relevant records relating to the ROK-Australia intercountry adoption program during the period of the Investigation, including the ACA role.
- AGD transferred all inter country adoption files to DSS in 2019, when responsibility for the ACA transferred to DSS.
- DSS identified over 620 paper files in storage, which were digitised and reviewed for relevance to the Investigation. None of these files were relevant to historical ROK-Australia adoption.

Barriers to document access

As noted previously, due to the nature of record-keeping over the period of the Investigation, there were some challenges to identifying and accessing all relevant Commonwealth records. Departments were frequently required to retrieve hard copy records from their off-site archives for digitisation and review.

This process is still ongoing and, as a result, agencies have advised that there may be additional relevant material identified after this interim report is finalised. Where relevant, this will be included in the Final Report of this Investigation. It is possible that relevant information, that was once held by the government, no longer exists due to timeframes around file storage and deletion or issues relating to records storage.

Information received

Documents from AGD, DFAT, and Home Affairs provided insight into the development of ROK-Australia intercountry adoption program, including initial interactions with ESWS and public sentiments about the program. In concert with publicly available information, covered in chapters 3 and 4, they also highlighted the shifting bureaucratic and political environment which increased regulatory challenges and a lack of clear program oversight.

Awareness and responses to contemporary adoption practices – 1970s

Processes and arrangements

The Social Welfare Commission expressed reservations about intercountry adoption but nevertheless recognised that adoptions were occurring and would continue without effective control or supervision if national coordinated arrangements were not established. As such, they recommended the establishment of a national agency for intercountry adoptions.¹⁰³ As outlined in Chapter 3, this agency was not established.

The Commonwealth's role in the 1970s appeared to be to 'negotiate with the ROK to facilitate agreement either by Eastern Child Welfare or [a] similar approved body and interested state and territory authorities'.¹⁰⁴ Following this, ESWS negotiated directly with state and territory authorities.

In 1977, an agreement was signed between ESWS and the NSW Minister for Youth and Community Services, Mr Jackson. The agreement set out the respective responsibilities for both parties.¹⁰⁵

- While NSW negotiated an agreement with the ROK they committed to informing other states, territories and Australian authorities of the proposed arrangements, however available Commonwealth records reviewed by the Investigation do not show that this was done. NSW records pertaining to this commitment will be reviewed as part of Stage 2 of the Investigation.
- The Australian Department of Social Security (an early predecessor to the current Department of Social Services) examined the implications of the agreement at the time, particularly noting concerns that if adoptive parents were not present in ROK during the legal process, the child could remain a ward of the Minister for Social Security upon arrival to Australia.
- Commonwealth departments expressed concern over the states and territories acting to unilaterally organise an adoption agreement but noted that it remained the prerogative of the Minister for Immigration and Ethnic Affairs to determine entry.

Media Scrutiny

There was significant media coverage around the visit of Dr Kim, Duk Whang, ESWS president, to Australia in 1977 and the subsequent adoption agreement signed with the NSW government. This included critiques over the reasons for intercountry adoption and the manner in which payment was to be provided for adoption.

The decision to 'import' children has been taken because so few Australian babies are available for adoption.¹⁰⁶

Media scrutiny also impacted the level at which the ROK Government was willing to officially engage with Australian authorities. Records indicate that the ROK preferred adoption arrangements to remain private between local agencies. This position was driven largely by adverse publicity during the ESWS president's 1977 visit to Australia. The media reported allegations such as 'baby supermarket... the commodification of children'.¹⁰⁷ The ROK Government confirmed that ROK-Australia adoptions could continue providing there was no further adverse publicity.¹⁰⁸

Jurisdiction responses

In the wake of adverse media reports, the then-NSW Minister for Youth and Community Services, Mr Jackson, commented that Australia was 'not buying the babies – we are merely promising the placement of the children with approved couples'.¹⁰⁹ Further Department of Immigration records state that Mr Jackson 'said it was 'absolutely ridiculous' to suggest his government was involved in a 'baby buying' scheme.'¹¹⁰

He further responded that the NSW Government's 'decision to recoup the expense involved was no different to the Federal Immigration Department requiring people who sponsored relatives to come to Australia to meet the cost of processing them'. Mr Jackson also acknowledged criticism from non-government organisations including Austcare and Save the Children Fund who 'both said they felt the babies could perhaps be better cared for in their own country, among their own people.'¹¹¹

However, after South Korean children started arriving through ESWS in January 1978 Mr Jackson's comments did not reflect a consistent focus on prioritising the rights and interests of individual children when he said:

we hope the flow [of adoptees] will continue steadily ... there is a worldwide shortage of children for adoption.¹¹²

Inconsistent Operating Environment

Changing Directives

From the beginning of a formal adoption program between the ROK and NSW in the late 1970s, there was uncertainty about its standing with the ROK Government.

In 1977 ESWS first reached out to states and territories directly, seeking to establish adoption programs. The president of ESWS also travelled to Australia in 1977 with the intent to discuss the establishment of adoption agreements with states and territories. It took a couple of months for state, territory and Commonwealth government processes to seek confirmation from the ROK Government that ESWS was an approved adoption agency.¹¹³ Shortly after receiving this confirmation, ESWS signed an adoption agreement with NSW. Negative publicity, as described above, led to a prompt reversal of public support from individual ROK Government officials who indicated that Australia was no longer an authorised country to receive ROK adoptees.¹¹⁴ However, the ROK Government later confirmed that adoptions could continue.

The ROK Government did not support a formal government-to-government agreement regulating overseas adoption due to a risk of negative publicity. Commonwealth authorities were aware of the ROK Government's sensitivity to accusations of unethical practices.¹¹⁵

In late December 1977, the ROK Government advised that the ROK-Australia adoption may cease in the event of further publicity.¹¹⁶ The program was allowed to continue provided travel was limited to two babies per flight.¹¹⁷ There were repeated statements by the ROK Government that domestic adoption was preferable and that they would seek to end intercountry adoption by the 1980s.

In the early 1990s, an ESWS representative again visited Australia to meet with state and territory representatives in the wake of an ROK Government announcement that it would

scale down its intercountry adoption program.¹¹⁸ ESWS recommendations from these talks were that the Australian program be reopened from January 1992 to 1996 and subsequently closed. Further restrictions on the number of children and the eligibility of prospective adoptive parents were also recommended.¹¹⁹

International Criticism

Earlier experience of ROK adoption programs to Sweden, Norway and Denmark generated criticism concerning 'baby exports' and negative publicity from North Korea and local sources concerning disrupted adoptions.¹²⁰ This criticism led to the suspension of those programs by the ROK before they were later resumed following public and diplomatic pressure.¹²¹ North Korea also criticised the ROK in relation to intercountry adoption during the Asian games in 1986, and during the Seoul Olympic Games in 1988.

This condemnation threatened ROK's global standing, at a time when it was trying to establish itself internationally as a modern economic power, and led to a reduction of intercountry adoptions in the following years and a renewed commitment from the ROK Government to end all intercountry adoption.¹²²

Following these experiences, the ROK Government encouraged local adoptions and preferred tightly controlled overseas adoptions through agencies like ESWS.

They demonstrated ongoing concern about adverse publicity.¹²³ The Investigation has not found sufficient information to substantiate that Australian authorities knew more about these international criticisms concerning earlier adoptions to Sweden, Norway and Denmark beyond what was in media reporting, nor that they suspected systemic failures in the adoption process. However, there are also no suggestions that Australian authorities initiated further investigations into the claims or attempted to modify the adoption program to mitigate risks as a result, despite this being a reasonable course of action.

Australian Perspective

Responses in Australian Government correspondence, in conjunction with contemporary reporting, indicate that they had reason to believe that the ROK was aware of potential issues.

However, Commonwealth authorities appear to have been satisfied that the ROK addressed these issues by limiting intercountry adoptions to a designated agency (ESWS) and indicating that they would continue to encourage domestic adoptions and reduce future levels of intercountry adoption.¹²⁴

As such, Commonwealth authorities seem to have formed the reasonable view that this was sufficient and did not undertake or seek additional inquiry into the ROK's intercountry adoption practices at the time. However, this did not preclude them from pausing or ending ROK-Australia adoptions while confirming that processes were being conducted in a lawful manner and that the processing of children for the relevant visas was valid,

particularly given the significant potential impacts on adoptees, birth parents, and adoptive families.

Chapter 5 - Preliminary Findings

Based on the information gathered to date through Stage 1 of the Investigation, I have made the following preliminary findings. These are subject to change should further information come to light through the next stage of the Investigation, particularly as Stage 2 will involve the review of additional state and territory documentation.

1. All Australian states and territories operated within a decentralised framework for intercountry adoption prior to the ratification of the Hague Convention in 1998. Accordingly, there was no clear national governance framework for ROK-Australia adoptions when the program commenced.

Intercountry adoption developed in a fragmented manner, with responsibilities divided between Commonwealth, state and territory authorities and no effective national coordinating body.

Australia entered into the ROK adoption program in an Australian environment characterised by unclear jurisdictional responsibilities, fragmented oversight arrangements, and the absence of a coordinated national regulatory framework.

2. Commonwealth records demonstrate governance and procedural risks with the administration of ROK-Australia adoption processes.

Documents examined by the Investigation show that Commonwealth authorities identified concerns regarding legal status, guardianship, and program administration from 1978.¹²⁵

3. Prior to 1978, Australian authorities engaged in fragmented adoption arrangements with a range of private ROK agencies that managed a limited number of intercountry adoptions.

As outlined in the TRC, between the 1950s and 1978, a small group of private agencies operated orphanages, prepared children for overseas transfer, created case files and identity documents and liaised directly with foreign governments and adoptive parents. The agencies included CPS, Catholic Relief Services, Seventh-Day Adventist Adoption Services, Holt Adoption Program, and International Social Service.

4. By 1986, the Commonwealth recognised the practical and legal challenges created by inconsistency in state and territory adoption laws and moved to create national guidelines on intercountry adoption.

Over time, piecemeal amendments to state and territory adoptions laws were becoming unworkable and from December 1978, there were clear attempts from states and territories to clarify procedures between domestic jurisdictions and overseas authorities to establish mechanisms for cooperation and for creating a nationally coordinated

intercountry adoption framework. By 1986, Australian governments moved to create national guidelines on intercountry adoption via the Commonwealth-convened CSWM.

The guidelines followed findings from the Department of Immigration and Ethnic Affairs Minute – Inter-Country Adoptions which identified inconsistencies in the recognition of overseas adoptions, guardianship arrangements, citizenship outcomes and migration requirements. The concerns and recommendations highlighted in the paper helped demonstrate the need for nationally consistent intercountry adoption procedures. This contrasts with earlier attempts to streamline adoptions, such as the CSWM recommendation to remove the domicile clause, which was criticised at the time.

5. Commonwealth authorities relied on assurances from the ROK Government and ROK adoption agencies rather than independent verification.

Australian Government correspondence and a range of media reports reflect that the government was likely aware that the ROK knew about potential issues with their intercountry adoption program.

Commonwealth authorities appear to have been satisfied that the ROK addressed adoption practice issues by designating ESWS as the agency responsible for managing intercountry adoptions to Australia and indicating that they would reduce intercountry adoption levels over time.

Commonwealth authorities generally relied on information and assurances provided by the ROK Government and its adoption agencies when assessing adoption practices, with limited evidence of independent investigation into some allegations that were raised.

6. Domestic and international media allegations concerning the commodification of children were known to Australian authorities.

Records examined by the Investigation indicate that allegations regarding 'baby buying', 'export babies' and financial transactions associated with adoption were publicly raised and widely reported, both by Australian media and internationally. Records further show that Australian authorities were aware that concerns regarding ethics and operation of intercountry adoption practices had been raised publicly.

7. Australian authorities were aware that the ROK Government was highly sensitive to allegations of unethical adoption practices at the time.

Records contemporary to the 1970s indicate that Australian authorities were aware the ROK Government considered allegations regarding adoption practices sufficiently serious to threaten international adoption arrangements and international reputation.

8. At times, it appears that Australian authorities prioritised demand for adoptable children above child welfare considerations.

Contemporary commentary at times included emphasis on meeting demand from prospective adoptive parents, sometimes in language that did not consistently reflect a primary focus on the rights and best interests of individual children.

I have not yet formed a view that any systemic failures or unethical practices occurred in respect of these findings, and I will continue to explore this preliminary information as well as additional information collected in Stage 2 of the Investigation.¹²⁶

Appendix 1: Terms of Reference

Independent Investigation into Historical Intercountry Adoptions from the Republic of Korea to Australia

Summary

These Terms of Reference (ToR) outline the scope, purpose, and governance for an independent investigation (the Investigation) into historical intercountry adoption practices between the Republic of Korea (ROK) and Australia from 1964 to 1999. This timespan mirrors that of the ROK's Truth and Reconciliation Commission (TRC) investigation and may be expanded pending further findings during the Australian investigation.

The TRC's March 2025 report found the ROK Government and adoption agencies systematically promoted overseas adoptions from the 1960s onward, frequently prioritising economic and diplomatic objectives over the best interests of children. It documented widespread breaches of children's rights, including falsified records and insufficient efforts to preserve family unity. For the purposes of this Investigation, the TRC's findings will be accepted and form part of the evidence base under consideration.

The Investigation will be led by a government-appointed eminent person, who will exercise independent judgement in conducting the Investigation. The eminent person will oversee all aspects of the Investigation, including stakeholder engagement and the drafting of Investigation reports. The eminent person will be supported by external auditors, who will provide a robust evidentiary base for the Investigation by reviewing historical adoption files and associated policy/ procedural documents, identifying irregularities, and supporting the eminent person with evidence for interim and final reports.

The Department of Social Services (DSS) will provide support to both the eminent person and the external auditors.

The Investigation will review the policies and practices of both Commonwealth and state and territory governments. This recognises that a range of Australian authorities had shared responsibilities for various aspects of intercountry adoptions at different times within the relevant period.

As New South Wales (NSW) led the ROK-Australia adoption program for all states and territories for most of this time, the Investigation will be undertaken in close cooperation with the NSW Department of Communities and Justice (DCJ). The Investigation may also involve cooperation with other states and territory governments if access to other jurisdictions' records or documents are required, including for instances where adoptions were processed by another state or territory.

Interim findings are due in mid-2026 and a final report by December 2026.

Purpose

The purpose of the Investigation is to:

- examine historical intercountry adoption systems and processes in Australia relating to adoptions from the ROK.
- identify any potential systemic failures, or unethical practices within Australia during the relevant timeframe.
- support transparency, accountability, and healing for affected adoptees and their families.

While the Investigation cannot pre-empt any future decision of any government, it will take a holistic view of the practices, processes and systems, with a view to identifying any past mistakes and potentially informing future practice.

Scope

The Investigation will:

- Focus on intercountry adoptions from the ROK to Australia between 1964 and 1999 and examine the roles, responsibilities, and practices of Australian Government agencies and state authorities.
- Investigate Australia's procedures or processes for managing intercountry adoption, including how information was obtained from the ROK Government and agencies, document quality and measures to prevent irregular or inadequately evidenced adoptions occurring, with a particular focus on informed consent procedures or documentation irregularities.
- Investigate compliance with domestic and international regulatory frameworks, ethical standards, and child welfare principles in force during the relevant timeframe.
- Consider potential failings in procedure or process within the relevant Australian government agencies, and any processes or practices which contributed to, or failed to prevent, the occurrence of illegal or illicit practices in Australia.
- Note any practice changes that have occurred since the period under review that offer protection from any previous failings.

Stage 1: Information gathering – Research and data collection across Commonwealth and state and territory governments

March 2026 – mid 2026

- Review Commonwealth processes and procedures during the relevant period.
- Identify if any Commonwealth agencies were aware of irregularities in the facilitation of adoptions from ROK to Australia, including any actions taken.
- Identify and document state and territory government processes and procedures in place during the Investigation period, including to inform Stage 2.
- Engage with adoptee stakeholder organisations to understand the impacts of processes and procedures in place during the Investigation period.
- Provide preliminary findings via an interim report to governments. Findings will guide future stages of the Investigation.

Stage 2: Audit of files against policies and procedures (subject to legislative requirements being met)

July 2026 – December 2026

- Where provisions in state and territory legislation provide for sharing adoption information, community stakeholders will have the opportunity to submit written statements, provide copies of documents they already hold and that they think could contribute to the Investigation process, or request investigation of their individual files, which may be supplemented by interviews.
- Review and audit historical adoption files against relevant policies and procedures, working in collaboration with relevant Australian authorities and legislation as required.
- Identify any irregularities to inform the nature and extent of identified issues in the historical ROK Program.
- Analysis of protective factors introduced since the period subject to the Investigation and identification of any existing risks.
- Provide a final report and analysis to governments, including a summary of findings.

Reporting and Communication

The eminent person, supported by external auditors and DSS, will provide regular progress updates to both governments, as well as:

- An interim report following the conclusion of Stage 1, required by mid-2026.
- A final report, required in December 2026.

Key findings of the interim and final report will be communicated to stakeholders.

Governance and Oversight

- DSS will oversee the Investigation, ensuring it meets the objectives and timelines in these ToR.
- DSS will be responsible for ensuring all legislative and privacy requirements are met, including for accessing and handling sensitive personal information and individual adoption files.
- DSS will convene a cross-Commonwealth Working Group with officials from relevant Commonwealth departments (Attorney-General's, Foreign Affairs and Trade and Home Affairs) to support Stage 1.
- DSS will establish a Commonwealth-State Working Group with officials from all states to inform the Investigation and support access to files and documents.
- Intercountry adoptee community stakeholders will be consulted and updated throughout the Investigation. Community stakeholder consultation will be led by the appointed eminent person, guided by a community consultation plan, outlining the timing, format, and frequency of engagement with affected adoptees and families.
- The Australian Government will update the government of the ROK on investigation progress as required, via DSS and the Department of Foreign Affairs and Trade.

Confidentiality and Ethics

- The Investigation will be conducted in accordance with relevant state and Commonwealth legislation, including relevant privacy legislation, in a trauma-informed, culturally appropriate manner, with sensitivity, confidentiality, and respect.
- Ethical standards will be upheld, including informed consent for any interviews.
- Support services will be made available to participants through the existing Intercountry Adoptee and Family Support Service (ICAFSS).

Background

This Investigation gives effect to the 2025 Federal Election Commitment by the Australian Government in response to community concerns following the March 2025 findings of the TRC. The TRC identified human rights violations against children adopted overseas from the ROK between 1964 and 1999.

Australia was one of the receiving countries during this period, with the NSW DCJ responsible for administering the ROK–Australia intercountry adoption program until the Australian Central Authority (ACA) assumed national coordination responsibility for all intercountry adoption programs in 2007 in the Attorney-General's Department. The ACA function transferred to DSS in 2019.

Appendix 2: Register of Documents

Department	Document Title	Reviewed	Action taken and rationale
Home Affairs	IDC Report on Intercountry Adoption April 2014	Yes	No further action – not relevant to historical ROK-Australia adoption.
Home Affairs	MS15-029159 Intercountry Adoption Processes	Yes	No further action – not relevant to historical ROK-Australia adoption.
Home Affairs	2014 Media Talking Points Reforms to Streamline Overseas Adoption	Yes	No further action – not relevant to historical ROK-Australia adoption.
Home Affairs	Procedures Advice Manual, Permanent Entry Visas 5 Adoption (Class 102), 1st Edition December 1989	Yes	Referenced for adoption process background information.
Home Affairs	Department of Immigration and Multicultural Affairs National Office, Centralised Departmental Instructions System, Entry to Australia for Residence, Issued December 1978	Yes	Referenced for background information on ROK-Australia adoptions.
Home Affairs	Archived Intercountry Adoption South Korea File	Yes	Referenced for background information on ROK-Australia adoptions.
Home Affairs	Data on number of children from the Republic of South Korea who entered Australia on entry permits and visas between the 1960s and 1990s	NA	No further action – not applicable to the Investigation.
Home Affairs	Redacted Version of Adoptions From South Korea Part 1 (98 Pages)	Yes	Referenced for background information on ROK-Australia adoptions.
Home Affairs	Redacted version – Inter Country Adoptions – South Korea – complete scan of file (244 pages)	Yes	Referenced for background information on ROK-Australia adoptions.

Department	Document Title	Reviewed	Action taken and rationale
Attorney General's Department	National Action Plan on Human Rights Draft Extracts 4/11/1993	Yes	No further action – not applicable to the Investigation.
Attorney General's Department	National Action Plan on Human Rights Working Draft and Correspondence 16/11/1993	Yes	No further action – not applicable to the Investigation.
Attorney General's Department	National Action Plan Materials and SCAG Paper 15/10/1993	Yes	No further action – not applicable to the Investigation.
Attorney General's Department	Standing Committee on Treaties - Attachment C: Treaties where ratification is being considered	Yes	No further action – not applicable to the Investigation.
Attorney General's Department	Standing Committee on Treaties - Information sought by states and territories	Yes	No further action – not applicable to the Investigation.
Attorney General's Department	Standing Committee on Treaties - Hague Convention forum paper	Yes	No further action – not applicable to the Investigation.
Department of Foreign Affairs and Trade	DFAT records DSS investigation 2026 (3) official use only	Yes	Referenced for background information on ROK-Australia adoptions.
Department of Foreign Affairs and Trade	DFAT records DSS Investigation 2026 (3) Secret cables	Yes	No further action – not relevant to historical ROK-Australia adoption.
Department of Social Services	Australia's intercountry adoption framework - summary of roles and links	Yes	No further action – not relevant to historical ROK-Australia adoption.

Appendix 3: Stakeholder engagement and governance

Approach to community engagement

The Investigation is taking a staged approach to community engagement.

During Stage 1, community engagement focused on listening to adoption stakeholder organisations about their views on adoption processes and practices during the Investigation period, and the impact on adoptees and their families. This reflects the focus of Stage 1 on research and data collection across Commonwealth and state and territory governments, as outline in the Investigation ToR.

In Stage 2, the Investigation will continue to engage with adoption stakeholder organisations but will also hear from adoptees and their families directly through submissions and interviews. This will be outlined in the Final Report.

Different ways to engage during Stage 1

There were different ways for people to engage with the Investigation during Stage 1. Some of the activities included:

- A dedicated webpage on the Department of Social Services' website to provide updates and information about the Investigation.
- A subscription function for people to register for updates on the Investigation's progress. At the completion of the interim report, there were 216 subscribers.
- On 26 March 2026, the Minister for Social Services, the Hon Tanya Plibersek MP, held a community webinar to speak about the Investigation. People could pre-submit questions to be answered during the webinar, as well as submit live questions. A recording of the webinar, and questions and answers, are available at dss.gov.au/ROK-adoption-investigation/community-engagement.
- A dedicated email address, ICAinvestigation@dss.gov.au, was established for community members to submit questions about the Investigation and express their interest in future engagement. At completion of the interim report, the Investigation received 36 enquiries.

Dedicated engagement with adoptee stakeholder organisations

In June and August 2026, dedicated interviews were held with representatives from InterCountry Adoptee Voices (ICAV), Korean Adoptees in Australia Network (KAIAN), Australia United States Korean Rights Group (AUSKRG), and KADS Connect.

Engagement with these stakeholders has provided an initial understanding of the lived experience of South Korean adoptees for this interim report. Key themes emerging from these interviews included:

- **Transparent and non-extractive engagement:** Stakeholders emphasised the need for clear information about the Investigation's scope, how information will be used, what participants can expect afterwards, and how anonymity and publication of findings will be handled.
- **Trauma-informed support:** There was strong feedback that engagement must recognise the emotional labour involved for adoptees, with appropriate safeguards such as clear consent processes, flexible support options, support people (where preferred), careful meeting timing and follow-up support.
- **Lived experience, trust and power dynamics:** Organisations highlighted the importance of the Investigation building trust with adoptees, acknowledging lived experience expertise, and reducing the sense of hierarchy in engagements with government.
- **Human rights, ethics and systemic failures:** Stakeholders urged the Investigation to look beyond legal compliance to consider ethical practice, children's rights, identity, culture, family connections and whether children's best interests were prioritised.
- **Evidence, records and due diligence:** A recurring concern was the need to examine Australian decision-making, checks and safeguards, particularly where ROK documentation may have been false, incomplete or inconsistent. Missing records and evidentiary gaps were also identified as significant issues.
- **Commercialisation and safeguarding:** Stakeholders raised concerns about donations, payments, agency fundraising, adoptive parent suitability assessments and whether safeguards were applied in practice.
- **Broader impacts and future supports:** Organisations described long-term impacts on adoptees and families, including loss of identity, trauma and intergenerational effects, and raised the need for practical supports such as search and reunion assistance, interpreter services, mental health support and culturally appropriate post-adoption services.
- **Ongoing engagement:** Stakeholders asked that we continue consulting with advocacy organisations and draw on community expertise, research and case summaries as the investigation progresses.

The Investigation thanks these stakeholder organisations for the expertise and guidance they have provided the Investigation to date, which has been invaluable.

Engagement with Commonwealth agencies

The Investigation established a Cross-Commonwealth Working Group with officials from the Attorney-General's Department, the Department of Home Affairs and the Department of Foreign Affairs and Trade. The Cross-Commonwealth Working Group was engaged on issues on which the Investigation sought their cooperation and input through regular meetings:

Meeting date	Purpose
19 March 2026	To provide an initial update on the establishment of the Investigation and request for relevant information, documents and data
10 June 2026	To provide an update on the Investigation and process for reviewing Commonwealth documents.
15 July 2026	To discuss inclusion of Commonwealth information in the Stage 1 Report.

Engagement with state and territory governments

In addition to engagement with the community and Commonwealth agencies, the Investigation also met regularly with officials from state and territory governments through a Commonwealth and State and Territory Central Authority Working Group. The Working Group was provided updates on the progress of the Investigation and were engaged regularly on issues on which the Investigation sought states and territories cooperation and input, through meetings:

Meeting date	Purpose
25 February 2026	To provide an initial update on the establishment of the Investigation
2 April 2026	To request relevant information, documents and data from states and territories
27 May 2026	To discuss the proposed approach to Stage 2 of the Investigation (focussed on provision of information consistently with state and territory legislation)
15 July 2026	To discuss inclusion of state and territory information in the Stage 1 Report.

States and territories were also kept informed through the Children and Families Secretaries (CAFS) meeting. CAFS members are chief executives from child protection departments across Australia.

The Investigation thanks states and territories for their cooperation, including through provision of information and data to assist the review.

Appendix 4: Chronology of Significant Events

This chronology summarises significant events relevant to intercountry adoption between Australia and the ROK, drawing together developments in both countries' legal, administrative, and social contexts.

Date	Event
1948	Universal Declaration of Human Rights (1948) (UDHR) Australia was a one of only eight nations involved in drafting the UDHR, it came into effect through General Assembly adoption on 10 December 1948.
1950–1953	Korean War A major conflict resulting in large-scale displacement of children and long-term pressures on the ROK's social welfare system Few South Korean children adopted to NSW informally through Holt.
1959	UN Declaration on the Rights of the Child (1959) Australia was a member of the UN General Assembly when the Declaration was adopted by consensus in November 1959.
1968	ROK proposes a formal intercountry adoption program, Australia declines.
1969	First known case of government arranged ROK–Australian Intercountry Adoption Earliest known case of adoption of an ROK child by an Australian family.
1972	ESWS becomes formally licenced adoption agency.
1975	Family Law Act Reforms (Australia) Major reforms to Australia's family law system, establishing national legal frameworks around parental responsibility and court jurisdiction. Australia Ratifies the International Covenant on Economic, Social and Cultural Rights (1966)
1977	1 March: New ROK regulations exclude Australia as an approved adoption country. 4-6 March: 5 children arrive under previous Holt arrangements. 17 May: ROK Ministry confirms ESWS as the sole authorised agency. 23 May: Initial informal agreement between ESWS and NSW.
1978	ESWS Becomes Australia's Partner Agency The Eastern Social Welfare Society (ESWS) becomes the primary agency involved in facilitating adoptions to Australia.

Date	Event
1980	Establishment of the 'Contact States' Model The Council of Social Welfare Ministers (CSWM) introduces the contact-state system to coordinate responsibilities for overseas Intercountry Adoption programs across Australian states and territories. As referenced in the Report, this model was trialled but was unsuccessful in the late 1970s. <i>(No publicly available source definitively identifies which states were assigned to which countries.)</i> Australia Ratifies the International Covenant on Civil and Political Rights (1966)
1981–1983	Non-Binding National Intercountry Adoption Guidelines Issued Australia adopts early national coordination instruments: • 1981: Australian Intercountry Adoption Procedures • 1983: Intercountry Adoption Standards and Guidelines These documents represent Australia's first attempt to harmonise intercountry adoption practice nationally.
1986	National Guidelines on Intercountry Adoption Agreed to by the Council of Social Welfare Ministers.
1990	Convention on the Rights of the Child (1989) (CRC) Australia ratifies the Convention on the Rights of the Child on 17 December 1990
1991	National Guidelines on intercountry Adoption Agreed in 1986 by the Council of Social Welfare Ministers were supplemented by the Protocols and Procedures for the Development of Programs for Intercountry Adoption with New Countries.
1993	Australia Signs the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) National Adoption Principles introduced. Australia signs the Hague Convention.
1998	Australia Ratifies the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)/Hague Convention Implemented in Australia Australia ratifies the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, introducing a national central authority system and uniform minimum safeguards

Date	Event
2005	Parliamentary Inquiry into Intercountry Adoption The Australian Parliament conducts the most extensive review of intercountry adoption practice to date, examining national consistency, governance, and compliance issues.
2007	Commonwealth assumes national coordination responsibility Through the Attorney-General's Department, the Australian Central Authority (ACA) assumes primary responsibility for national coordination of intercountry adoption.
2008	Renegotiated Commonwealth–State Agreement A revised intergovernmental agreement is signed to support the continued operation of Australia's intercountry adoption program.
2013	The ROK Signs the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) The ROK signs (but does not yet ratify) the Hague Convention, signalling commitment to international safeguards.
2014–2015	Intercountry Adoption Australia (IAA) Portal Established The Commonwealth launches a national information and referral service to support prospective adoptive parents.
2019	Department of Social Services becomes the Australian Central Authority Responsibility for intercountry adoption transfers to the Department of Social Services as part of machinery-of-government changes.
December 2022	ROK Truth and Reconciliation Commission Investigation Commences The ROK TRC begins investigating historical intercountry adoption practices between 1964 and 1999
2023	Making of Family Law (Bilateral Arrangements – Intercountry Adoption) Regulations 2023 Regulations includes considerations relevant to intercountry adoption frameworks and recognition arrangements.
March 2025	TRC Interim Report Released An interim report was released in March 2025, identifying human rights violations within the ROK's ICA process; the TRC was disbanded in April 2025.
May 2025	Federal Election Commitment (Australia) Australian Government commitment to investigate concerns about the ROK-Australia adoption program.

Date	Event
October 2025	The ROK Ratifies the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) The ROK ratified the Hague Convention on 1 October 2025 (signatory since 2013).
November 2025	TRC Report Release The TRC released the report <i>Human Rights Violation in Intercountry Adoption</i> .
26 February 2026	ROK Launches Third TRC Investigation The ROK Government commenced a third TRC. The third TRC will continue investigations into allegations of human rights violations that were left unresolved during the mandate of the second TRC. It is currently open for submissions.

Appendix 5: Glossary of Words and Acronyms

Word	Definition
Adoptee	A person who has been adopted through an intercountry or domestic adoption process.
Accede (international law)	The process of a country agreeing to become a States Party to an international treaty when the country has not signed the treaty on an earlier date.
Adoption (current)	The legal process by which a person legally becomes a child of the adoptive parent(s) and legally ceases to be a child of his/her existing parent(s).
Adoption Order	A judicial or administrative order, made by a competent authority under adoption legislation, by which the adoptive parent(s) become the legal parent(s) of the child.
Australian Authorities	The Commonwealth Government and its departments and agencies, in addition to state and territories departments and agencies.
Central Authority	A designated national body under the Hague Convention responsible for overseeing intercountry adoption processes. The Australian central authority is the Australian Government Department of Social Services. As Australia is a federation, each state and territory have their own central authority.
Commonwealth / Commonwealth Authorities (used interchangeably)	Australian Government departments and agencies at the national level (associated with the Commonwealth of Australia). Does not include state and territory authorities. Australian Authorities (see above) has been used when both Commonwealth and state and territories authorities are referenced.
Consent (in adoption)	The formal agreement by a child's legal parent(s) or guardian(s) to the adoption, consistent with legal requirements.

Word	Definition
Convention (international law)	A convention is an international legal treaty focused on one particular issue, for example see below the Convention on the Rights of the Child. In international human rights law there are multiple conventions which focus on a variety of human rights issues or concepts such as women's rights, racial equality, freedom from torture, etc. A convention only becomes legal binding on a country when the country ratifies it (following signing) or accedes (no prior signing) to it. It is important to note, however, that Australia follows a dualist approach to treaties meaning that changes must be made to domestic legislation and policy before a Convention has a direct legal effect domestically. At this point, the country or States Party, is obligated to update its domestic legislation and policy to reflect the principles of the convention. Signing a convention means a country agrees, in principle, to abide by the articles therein
Convention on the Rights of the Child (CRC)	A human rights treaty protecting a broad range of child rights including those of adopted children and children adopted through intercountry processes. The treaty was adopted by the UN General Assembly in 1989, came into force and was ratified by Australia in late 1990.
Declaration (international law)	A declaration in international law, particularly international human rights law, is a list of principles that countries agree to abide by if they chose to sign the declaration. In most cases, declarations are considered to be benchmarks of ethical/moral standards on a given issue rather than binding international law. In some cases, declarations or parts of parts of declarations are considered <i>jus cogens</i> or customary international law, binding by its moral persuasiveness. This includes the right to law, to be free from torture, the prohibition of slavery, genocide and racial discrimination.
Domicile clause	A domicile clause in Australian intercountry adoption law refers to a legislative requirement that prospective adoptive parents are habitually resident, or 'domicile' in an overseas country for a period of time before an adoption completed by them in that country will have legal standing in Australia.

Word	Definition
Eastern Social Welfare Society (ESWS)	An ROK Government authorised adoption agency that was designated in 1977 as the sole organisation responsible for facilitating intercountry adoptions to Australia. Previously known as Eastern Child Welfare Service.
Hague Convention	The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993), which establishes safeguards for intercountry adoption.
Holt Agency	A private intercountry adoption agency originating in the ROK, which facilitated early and often informal adoptions to Australia, particularly prior to the establishment of formalised government-authorised arrangements.
Human Rights	The system of international laws and norms that were developed by UN member states including Australia after the Second World War as a benchmark for international ethics following the horrors of the Holocaust – to protect the dignity of all human beings regardless of gender, sex, sexuality, age, race, ethnicity, political opinion or other defining attributes.
Intercountry Adoption	An adoption of a child from an overseas country with which Australia has an official adoption program. The child must be determined as legally able to be placed for adoption and has generally had no previous contact with the adoptive parent(s).
(The) International Year of the Child (1979)	1979 was named the United Nations International Year of the Child (IYC). Publicity around the IYC drew public attention to intercountry adoption practices, in particular the need for standardisation and safeguards to ensure that the best interests of the child were the primary concern.
Prospective Adoptive Parents (PAPs)	A person who has applied or intends to apply to adopt a child through a relevant authority. This also includes current carers of children who are undergoing proceedings to adopt a foster child, and step-parents who intend to adopt their partner's child.

Word	Definition
Ratify (international law)	The process of a country agreeing to become a States Party to an international treaty after signing the treaty on an earlier date.
Republic of Korea (ROK)	South Korea.
(The) Rights of the Child	A concept in international human rights that children possessing rights independently of others and as part of the family unit. The concept of the rights of the child internationally and in Australia, in particular the idea that the best interests of the child should be paramount in all decisions affecting a child evolved significantly over the period under investigation, culminating in the Hague Convention 1993 and the Convention on the Rights of the Child 1989.
Sign (international law)	When a country signs an international treaty, they agree to be bound by its content in principle, or ethically, but do not yet have an obligation to be legally bound by that treaty. As international declarations are not considered to be legally binding (except in certain circumstances as morally binding customary international law), declarations can only be signed, not ratified or acceded to.
Social Welfare Commission	An Australian intergovernmental body that considered policy and coordination issues relating to welfare, including intercountry adoption.
States Party	Countries that have ratified or acceded to an international law, for example an international human rights treaty, and therefore agree to be legally bound by its provisions and incorporate them into domestic legislation and policy. A country is not a State Party if it has only signed the treaty. A country can be a signatory to a declaration, but not a State Party.
State and Territory Authorities	Australian State and Territory Government departments responsible for administering adoption processes.
Truth and Reconciliation Commission	An independent commission established by the ROK to investigate historical injustices, including practices within the intercountry adoption system. Its March 2025 report documented systemic irregularities and human rights violations.

Acronym	Definition
ABS	Australian Bureau of Statistics
ACA	Australian Central Authority
ACT	Australian Capital Territory
AGD	Attorney-General's Department
AIHW	Australian Institute of Health and Welfare
CPS	Child Placement Services
CSWM	Council of Social Welfare Ministers
DFAT	Department of Foreign Affairs and Trade
DMZ	Demilitarised Zone
DPRK	Democratic People's Republic of Korea
DSS	Department of Social Services
ESWS	Eastern Social Welfare Society
ICAFSS	Intercountry Adoptee and Family Support Service
ICCPR	International Covenant on Civil and Political Rights
MP	Member of Parliament
NLA	National Library of Australia
NSW	New South Wales
NT	Northern Territory
OHCHR	United Nations Office of the High Commissioner for Human Rights

Acronym	Definition
QLD	Queensland
ROK	Republic of Korea
SA	South Australia
TAS	Tasmania
ToR	Terms of Reference
TRC	Truth and Reconciliation Commission (South Korean)
VIC	Victoria
WA	Western Australia

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- ¹ Truth and Reconciliation Commission of the Republic of Korea, *Human Rights Violations in Intercountry Adoption* (18 November 2025), p 136.
- ² Australian Institute of Health and Welfare, *Adoptions glossary*, AIHW website, accessed 24 July 2026, www.aihw.gov.au/reports-data/health-welfare-services/adoptions/glossary.
- ³ Truth and Reconciliation Commission of the Republic of Korea, *Human Rights Violations in Intercountry Adoption* (18 November 2025).
- ⁴ Australia signed the Hague Convention five years earlier in August 1993 as soon as it became open for signature, demonstrating an early commitment to implementing the principles of the Convention.
- ⁵ Hague Convention on Private International Law (HCCH), Convention on Protection of Children and Co-operation in respect of Inter-country Adoption [international convention], concluded 29 May 1993, entered into force 1 May 1995, HCCH Convention No 33.
- ⁶ See Chapter 3 for a more fulsome discussion of the evolving role of the Commonwealth in intercountry adoptions.
- ⁷ United Nations, Convention on the Rights of the Child [international convention], adopted 20 November 1989, entered into force 2 September 1990.
- ⁸ Australia has a dualist system when it comes to the ratification of international human rights conventions. This means that once a convention has been ratified or acceded to, all Australian authorities (Commonwealth and state and territory) must go through a process of ensuring that their laws and policies are amended or updated to be in alignment with the ratified convention.
- ⁹ Note that two reports were released by the TRC, one a comprehensive report which can be found here [Truth and Reconciliation Commission, Republic of Korea](#) (20 November 2025), and the second specifically focusing on human rights violations in intercountry adoption which can be found here [Truth and Reconciliation Commission, Republic of Korea](#) (18 November 2025).
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- ²⁷ House of Representatives Standing Committee on Family and Human Services, *Overseas Adoption in Australia: Report on the Inquiry into Adoption of Children from Overseas* (Parliament of Australia, 2005) pp 13-14.
- ²⁸ National Archives of Australia, *Operation Babylift*, accessed 27 July 2026, www.naa.gov.au/explore-collection/immigration-and-citizenship/migrant-stories/vietnam/operation-babylift.
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- ³⁰ Victorian State Government, *Submission no. 206 to the House of Representatives Standing Committee on Family and Human Services inquiry into the adoption of children from overseas*, Melbourne, May 2005.
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- ⁴⁶ Joint Committee on Intercountry Adoption, *Report to the Council of Social Welfare Ministers and the Minister for Immigration and Ethnic Affairs of the Joint Committee on Intercountry Adoption, together with the Ministerial Response to the report*, September 1986.
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¹²⁵ The term 'Commonwealth authorities' encompasses Australian Government departments and agencies at the national level – refer to Appendix 5 for further detail.

¹²⁶ The preliminary findings contained within this report have been arrived at through an analysis of the sum of the information contained within, and are not based on any singular source.