Australian Government
Department of Social Services

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 the end of February 2027.

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.

Activity

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 – February 2027*

- 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 by the end of February 2027.

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 primary responsibility for all intercountry adoption programs in 2007 in the Attorney-General's Department. The ACA function transferred to DSS in 2019.