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# Tasmanian Central Authority for Intercountry Adoption

Support Guide to assist Tasmania in responding to  
Allegations of Illicit or Illegal Practices in Intercountry  
Adoption

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# 1 Summary

This Support Guide outlines Tasmania's procedures in responding to allegations of illicit or illegal practises in intercountry adoption.

Tasmanian authorities follow the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. Tasmania only works with intercountry governments and reviewed authorities.

If you have a concern that an intercountry adoption may have involved illicit or illegal practice, we encourage you to raise this.

This document contains the steps on how to raise this concern and the required to ensure the concern can be reviewed as appropriate.

Throughout the process, the department will remain in contact and update you as the allegation is reviewed. The process considers the best outcome for the child or young person with great importance. Support is also provided throughout the review process. Available supports and resources are listed at the end of this document.

## 2 Background

In Australia, the intercountry adoption application process is managed by government departments in each state and territory known as State and Territory Central Authorities (STCAs). In Tasmania, the Department for Education, Children and Young People (DECYP) is the Central Authority responsible for intercountry adoption. In conjunction with the Commonwealth Department of Social Services, the Australian Central Authority (ACA), DECYP is responsible for reviewing and addressing concerns brought forward about alleged illicit or illegal intercountry adoption practices.

The purpose of the review is to:

- Determine whether the concerns are credible, or if there are irregularities or information that require further action.
- Identify possible pathways or referrals where further action is required.
- Notify (where appropriate) relevant Australian and overseas agencies.

In Australia, overseas adoptions are only facilitated if the principles and standards of the [Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption](#) (Hague Convention) are met. The Hague Convention entered into force in Australia in December 1998. It is an international convention that provides safeguards and rules for the adoption of children between Contracting States. The Hague Convention aims to protect children and their families from trafficking, illegal and ill-prepared adoptions.

Australia has a regulated intercountry adoption program through which STCAs work with partner countries to facilitate intercountry adoptions. Australia's partner countries include Hague Convention countries as well as bilateral arrangements with two non-Hague countries who have not ratified the Hague Convention but uphold all Hague Convention standards.

The [Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program](#) (CSA) establishes the arrangements and cooperation between the ACA and

STCAs for the facilitation of intercountry adoption to Australia. Under clause 16 of the CSA, the ACA provides STCAs with regular reports confirming partner countries compliance with the requirements of the Hague Convention.

The introduction of the Hague Convention focuses on the need for countries to work together to prevent the sale, trafficking and abduction of children. Intercountry adoptions prior to the introduction of these international standards were not subject to the same reciprocal scrutiny. In a continuing effort to acknowledge past illegal and illicit practices, intercountry adoptions facilitated by Tasmanian Government departments prior to December 1998 may also be included to some degree in the scope of this Jurisdictional Support Guide.

In Tasmania, Adoptions and Permanency Services (APS) is the government service that administers and responds to illicit and illegal intercountry adoption past practices and seeks to implement and enhance current practice in line with international standards. APS provides services in accordance with the requirements of the Adoption Act 1988 (the Act) and the Adoption Regulations 2016. The Act is administered under the guiding principle that the welfare and interests of the child or adopted person is always regarded as the paramount consideration.

DECYP takes its obligations under the Hague Convention seriously and is strict about which overseas adoption programs are supported. APS does not support private adoption arrangements and will not support applications to independent adoption agents in another country. DECYP will only work through overseas government adoption authorities or their accredited agencies that have been vetted by the ACA.

DECYP is committed to recording all reports of illicit or illegal practices, regardless of when the adoption occurred. The ability for DECYP to review historical adoptions occurring prior to the Hague Convention entering into force in Australia may be impacted by numerous factors including how the adoption was arranged and by whom. DECYP will record the reported information and assess what level of investigation or support is possible.

DECYP acknowledges the inherent risks of intercountry adoption. Our commitment to ensuring the integrity of our intercountry adoption program and preventing illegal and illicit practices is critical in our delivery of service to adoptees and their families.

### **3 Notification of concern**

If you have reason to believe an intercountry adoption facilitated through an Australian STCA may have involved illicit or illegal practice, you should raise this, in the first instance with the relevant STCA that may have been involved. The following information may help to determine who to notify and when.

#### **Who should I notify if I believe that there was illicit or illegal practice in my, or my child's, intercountry adoption?**

If you have concerns about a potentially illegal / illicit adoption practice/s, you can report these concerns directly to DECYP through a variety of communication methods.

DECYP acknowledges that the information may be distressing and aims to deal with such enquiries in a timely manner and with sensitivity.

The official point of contact for all communication in Tasmania is APS.

You can contact APS by:

**Email:** [adoption.service@decyp.tas.gov.au](mailto:adoption.service@decyp.tas.gov.au).

**Writing:** PO Box 538, Hobart TAS 7001.

**Phone:** (03) 6166 0422 or 1300 654 583.

**In person:** Lower Woodhouse Building, St Johns Park New Town TAS 7008 (please phone to make appointment beforehand).

Initial correspondence received by email or in writing will be acknowledged as soon as possible or within 5 business days.

For non-English speaking people or where English is not your language of preference, we can arrange for an interpreter to assist either through written communication or by phone.

Contact details, including email and phone, for the Tasmanian Central Authority are available at [STCAs](#) on the Intercountry Adoption Australia website.

## Can I notify DECYP anonymously?

Should you wish to remain anonymous, we suggest submitting your concerns in writing or by calling and stating you wish to remain anonymous.

Information can be provided anonymously through the following channels:

**In writing:** PO Box 538, Hobart, TAS, 7001.

**Phone:** (03) 6166 0422 or 1300 654 583.

**Please note:** Information provided anonymously **may** influence DECYP's ability to engage in a full review and/or investigation.

## How do I request access to adoption records held by DECYP?

To request access to adoption records, please contact APS:

**By email:** [adoption.service@decyp.tas.gov.au](mailto:adoption.service@decyp.tas.gov.au)

**Phone:**(03) 6166 0422 or 1300 654 583.

APS provides support to people in applying for their records.

Further information, including the required forms, can be found on the DECYP website: [How to access information about an adoption - DECYP](#).

## When should I notify DECYP about a potential illicit/illegal adoption?

If you have any concerns about the immediate safety or wellbeing of a child or young person in Tasmania, you should refer the matter to the Strong Families Safe Kids Advice and Referral Line on 1800 000 123 or police on 131 444 (or 000 in an emergency).

If you have concerns about the circumstances surrounding your own adoption your child's adoption or concerns surrounding illicit / illegal adoption practices, you should raise these concerns with APS at the earliest possible time.

Contact APS on:

**Email:** [adoption.service@decyp.tas.gov.au](mailto:adoption.service@decyp.tas.gov.au)

**Phone:** (03) 6166 0422 or 1300 654 583.

A disclosure of a single illicit practice may further uncover a pattern of illicit practices. Promptly informing APS of any concerns enables the review of information presented, collaboration with other jurisdictions (including the ACA) and any necessary action being taken to ensure the ongoing safety and well-being of children.

## Who do I contact if I am not sure which state or territory facilitated, or is facilitating, the adoption?

As a first step, please contact the STCA you believe is most likely to have facilitated the adoption. If you are not sure, contact the STCA in the jurisdiction that you live in.

If you live in Tasmania, we will be able to provide the following help/advice:

- Review our database for any corresponding information relating to the adoption.
- If through discussions it is determined the information is from another jurisdiction you will be referred to the relevant STCA and/or the ACA.
- We will contact other STCAs on your behalf to locate the Central Authority who facilitated the adoption and direct you to the relevant person.

## Is there anyone else I should notify?

If a concern is raised with DECYP and following review, concerns are found to be credible, we will inform interstate Central Authorities, the ACA and/or overseas Central Authorities as appropriate. The detail we provide will only include your personal information if you give consent for us to share it.

Please refer to the [Protocol for Responding to Allegations of Illicit or Illegal Practices in Intercountry Adoption](#) (the National Protocol) for further information on a national approach to responding to concerns about illicit or illegal practices in intercountry adoption.

If you decide to make your own enquiries or notify anyone else (such as police), this may occur in addition to, or instead of, formal enquiries made through DECYP. It's requested that DECYP be informed of any concerns of illicit or illegal practices identified as a result of these enquires as there may be broader program implications for us to consider.

## What information is required to review claims?

DECYP require all known information in relation to an adoption or adoption practices to be made available in order to make appropriate inquiries.

If the concerns of illicit/illegal practices are in relation to your own, or your child's adoption, specific information in relation to the adoption for review can include:

1. When did the adoption take place?
2. In what jurisdiction did the adoption take place?
3. What is the adoptee's country of origin?
4. Identifying information (where known) such as:
  - a. birth name and date of birth of adoptee
  - b. name of birth parent/s
  - c. name of foster parents or orphanage prior to adoption
  - d. name of adoptive parents.
5. Types of documents that may be relevant for DECYP to review include:
  - a. adoption order
  - b. adoption compliance certificate
  - c. birth certificate / record of birth / verification of child's identity
  - d. evidence of child being declared adoptable
  - e. consent documents / evidence of consent
  - f. exploration of alternatives to domestic and intercountry adoption
  - g. court order / administrative decisions
  - h. child study information
  - i. health / medical information
  - j. decisions of the overseas Central Authority on matching
  - k. issuance of Certificate of Conformity.
6. The details or information that leads you to suspect illicit or illegal adoption practices have taken place.
  - a. Including description, parties involved, reported information at the time of placement, adoption documents already available to you.
7. What are the current circumstances for adoptee, adoptive parents and/or birth parents?
8. What is your role as the notifier within the adoption? i.e. Adoptee, Adoptive Parent, Birth Parent.
9. Any further information that may be helpful to build a clearer picture of the case.

## Under what privacy laws or policies will the information I provide be used?

Information provided to DECYP is handled in accordance with the following Tasmanian legislation:

### **Adoption Act 1988**

Part VI of the Adoption Act 1988 outlines 'Access to information' specifically for adoptions.

## **Personal Information Protection Act 2004**

An Act to regulate the collection, maintenance, use, correction and disclosure of personal information relating to individuals.

Further information can be found on the DECYP 'Personal Information' page: [Personal Information - DECYP](#)

## **Right to Information Act 2009**

An Act to give members of the public the right to obtain information contained in the records of the Government and public authorities and for related purposes (including their own personal information).

Further information can be found on the DECYP 'Right to Information' page: [Right to Information - DECYP](#)

## **Right to Information Regulations 2021**

Regulations which support the *Right to Information Act 2009*.

For further information about how we protect your privacy, contact DECYP's Legal Services team via email [RTI.PIP@decyp.tas.gov.au](mailto:RTI.PIP@decyp.tas.gov.au) or phone (03) 6165 6187.

If you believe a Tasmanian public authority has breached the principles designed to protect your personal information, you must first raise your concern with DECYP. If you are not satisfied with the response, you can make a complaint to the Tasmanian [Ombudsman](#).

## **4 Notification of outcomes**

The following information describes how you will be notified of the outcomes of the concern raised.

### **How will I be notified of the outcome?**

DECYP will maintain contact with you during the review. You will be allocated a contact person who you can liaise with. Your contact person will be responsible for updating you on progress or significant developments. You can nominate your communication preference (by phone, email or in person). Your allocated contact person will notify you of the actions taken and the outcome of the concerns raised. The best interests of the child will be the paramount consideration when considering possible actions and outcomes.

### **Will information be provided on the how the outcome was reached?**

If the allegations or concerns raised with DECYP are in relation to you, or your child's, adoption, DECYP will explain the outcome reached.

If the allegations or concerns raised with DECYP are in relation to an adoption other than your own (or your child's) then DECYP will be guided by privacy laws to determine what information can be shared in relation to the outcome and course of action taken.

## What are my options if I don't agree with the outcome?

DECYP acknowledges that not all outcomes may result in what you had hoped, and you may not necessarily agree with the outcome of our review. If you are not satisfied with the outcome, you may submit a complaint:

**Email:** [cyf.liaison@decyp.tas.gov.au](mailto:cyf.liaison@decyp.tas.gov.au)

**Phone:** (03) 6166 3526.

You may also raise the matter with the ACA if you are unhappy with the response received from DECYP.

## 5 Supports

There are a range of services that an adoptee or adoptive family may wish to access. The needs of each adoptee and adoptive family will differ.

In addition to the supports listed under [the National Protocol](#), DECYP may also be able to provide alternative or additional services.

### Practical assistance

The APS recognises the importance of providing support services to those impacted by intercountry adoption.

APS provides information and counselling support to both adoptees and adoptive parents including assistance to access adoption information. This support may include providing adoptees with information about their birth family which is held by DECYP and which we have consent to provide. APS may also facilitate reunions and/or provide sensitive information, specialist advice and referrals for longer term support. If required, APS may also assist in contacting the overseas Central Authority who facilitated the intercountry adoption.

**Phone:** (03) 6166 0422 or 1300 654 583.

**Email:** [adoption.service@decyp.tas.gov.au](mailto:adoption.service@decyp.tas.gov.au).

**Website:** [Adoptions in Tasmania - DECYP](#).

### Counselling or case management services

**Intercountry Adoptee and Family Support Service (ICAFSS)** is a free, nation-wide service run by Relationships Australia South Australia, providing intercountry adoption-specific therapeutic support including counselling, information and education to intercountry adoptees of any age, their families and prospective adoptive parents.

ICAFSS delivers a range of services including:

- Individual and family counselling
- Case management
- Therapeutic groups
- Parenting support

- Education and training for professionals
- Peer support groups
- Resources to educate the community
- Small Grants and Bursaries - Funding for adoptee events, resources and support.

Contact ICAFSS:

**Phone:** 1800 422 377.

**Email:** [icafss@rasa.org.au](mailto:icafss@rasa.org.au).

**Website:** [www.icafss.org.au](http://www.icafss.org.au).

## Peer support services

- [Intercountry Adoptee Voices \(ICAV\)](#)
  - **Intercountry Adoptee Voices (ICAV)** is a volunteer run organisation led by intercountry adoptees around the world. ICAV provide supportive forums for adoptees to express their views, encourage adoptee and adoptee-led groups to advocate for the rights of intercountry adoptees and their original families, raise awareness at different levels about the complexities of intercountry adoption and speak out about the negative effects of intercountry adoption.
  - Contact ICAV:
 

**Contact form on the ICAV website:** [www.intercountryadopteevoices.com/contact/](http://www.intercountryadopteevoices.com/contact/).
- Additional community groups, including peer support services, are listed on the [Intercountry Adoption Australia](#) website at [Local and community support](#).

## Legal assistance

- [Tasmania Legal Aid](#) provide legal information and advice, representation, minor assistance, mediation and legal education to all Tasmanians.
  - **Website:** [www.legalaids.tas.gov.au](http://www.legalaids.tas.gov.au).

## Tracing and/or reunification services

- International [Social Services \(ISS\) Australia](#)
  - **International Social Services Australia (ISS)** is a professional non-government organisation, founded in Geneva in 1924. Their network covers 140 countries. ISS Australia have a long history providing family and adoption tracing and reunification services for those that have been separated by international borders. The International Post Adoption Tracing Service (IPATS) is a fee for service program for Tasmanians.
  - **Phone:** 1300 657 843.
  - **Email:** [iss@iss.org.au](mailto:iss@iss.org.au).
  - **Website:** [www.iss.org.au](http://www.iss.org.au).