

**ADOPTION AMENDMENT BILL 2002  
(E126)**

**EXPLANATORY MEMORANDUM**

*(Introduced by Dr Constable, MLA)*

The issue of the age requirement in the adoption process has been a contentious matter for prospective adoptive parents and their support organisations for many years.

There are two main concerns about the age requirement which is contained in Section 52(1)(a)(iii) of the *Adoption Act 1994*. The first is the restrictiveness of the age criterion as it applies to a particular class of couple resulting in the prevention of good applicants from becoming adoptive parents of infant children.

The second is the allegedly discriminatory nature of maintaining an allowable age difference requirement.

The age requirement in Section 52(1)(a)(iii) prevents otherwise suitable married and de facto couples from adopting children on the basis of age.

Clause 1: Relates to the Short Title

Clause 2: Provides for the Act to commence on the day on which it receives the Royal Assent.

Clause 3: Identifies the *Adoption Act 1994* as the principal Act to be amended.

Clause 4: Amends section 52(1)(a) of the *Adoption Act 1994* by deleting subparagraph (iii) which restricts placement of a prospective adoptive child with a parent who is not more than 40 years older than that child.

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