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Queensland Branch

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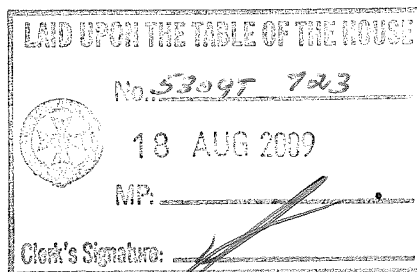
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10 July 2009



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Parliament House
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Dear Mr Wellington, *Peter*

Further to our briefing note on the Adoption Bill 2009 I would like to draw your attention to some relevant statistics on the stability of de facto relationships.

In a letter to me responding to the briefing note, the Hon Phil Reeves, Minister for Child Safety states that the requirement in the Adoption Bill 2009 that a "person and the person's spouse have been living together for a continuous period of at least two years" acts to "promote children's interests by ensuring they have an opportunity to grow up in a stable family environment".

This assertion, insofar as it relates to de facto couples, is not supported by the available statistical data.

The latest statistical data¹ on the comparative stability of marriage and de facto relationships in Australia indicates that marriages are 5.53 times more stable than de facto relationships over a five year period.

Twenty six percent (26%) of those were in a de facto relationship with a particular person in 2001 were no longer in a relationship (either married or de facto) with that person in 2006.

However, only 4.7% of persons who were married in 2001 were separated or divorced by 2006.

An analysis of earlier data by the Australian Institute of Family Studies indicated that by the mid 1990s some 38% of de facto couples were separating within the first five years of the relationship.² The long term trend was towards higher rates of break up within five years for de facto couples.

The Adoption Bill 2009 proposes a test of being together as a couple (either married or de facto) for just two years as adequate to establish the stability required for eligibility to have their names entered in the expression of interest register for adoption.

A test of just two years as evidence of stability for de facto couples is without statistical foundation.

Interestingly nearly one third (31.42%) of those who were in a de facto relationship together in 2001 had married each other by 2006. This suggests that it would be very reasonable to retain marriage as the basic eligibility requirement for being entered on the expression of interest register.

Any de facto couple inquiring about adoption could simply be advised of this and invited to decide whether to make a public commitment to one another (marriage) before pursuing the onerous commitment to raise together a child who is need of adoption.

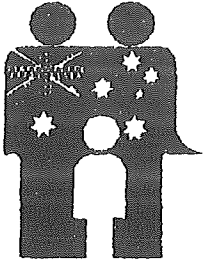
I once again urge you to take whatever steps you can to amend the Adoption Bill 2009 to retain the requirement that a couple be married in order to be eligible to be entered on the expression of interest register for adoption.

Yours sincerely,

Geoffrey Bullock
Queensland State Officer

¹ Wilkins R, Warren D and Markus Hahn M, *Families, Incomes and Jobs, Volume 4: A Statistical Report on Waves 1 to 6 of the HILDA Survey*, Melbourne Institute of Applied Economic and Social Research, 2009, p. 5-6, <http://www.melbourneinstitute.com/hilda/statreport/statreport-v4-2009.pdf>

² Weston R and Qu L, "Family statistics and trends : trends in couple dissolution", *Family Relationships Quarterly Newsletter* No. 2, 2006, p. 11, <http://www.aifs.gov.au/aifrc/pubs/newsletter/n2pdf/n2d.pdf>



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Representing - Adoptees, Birth Mothers and Fathers and Adoptive Parents

Dear Member of the Legislative Assembly,

Re: Adoption of Children Bill 2009: In our view, the Parliament has been misled in 4 (four) areas.

A. *The Consultation period for the whole Bill has **not** been ongoing since 2002.*

Part 4 Section 39AA has been actively and positively excluded from the Terms of Reference of the Review of the Adoption Act, 1964, in all Government publications issued to interested parties. (see enclosures). This Section of the Bill, allowing for the unconditional Release of Identifying Information, was introduced into the Review only in July 2008, with a consultation period of only 9 – 10 weeks from July 14th 2008 to September 19th 2008.

B. *The Minister stated in the second reading of the Bill that “.....the Government engaged extensively with the community in developing reforms.”*

In fact, there was minimal advertising by the Government about this late inclusion, and this was misleading. The government called, especially, for opinions from those involved in adoptions **after** 1991 – people who would **not** be affected by the proposed legislation. The people who **would** be directly affected by changes to Part 4A have not been notified that the Terms of Reference have changed. Written advice of the commencement of the consultation period and the consultation paper were forwarded only to:

Adoption stakeholder groups and support groups,

Current prospective adoptive parents

A range of community groups and government agencies with an interest in adoption

Families of some adopted children under 18 years of age

A notable omission from this list is the only group of people who are to be directly and adversely affected by this part of the legislation viz, those 1168 birth parents and 1719 adopted people who currently have in force a legally binding agreement with the Government that their identifying information not be released.

C. *The Minister also stated in the second reading of the Bill that “.....Queenslanders clearly told the Government that the current Adoption laws are not fair”.*

This generalization is misleading and it should have been made clear, at this point, that this statement is true only of 210 Queenslanders (65% of the 321 who responded to this question of fairness on the Consultation paper). This small minority is scarcely representative of the 2880 Queenslanders who have expressly stated that they wish their identifying information to remain confidential. It is an even further cry from the 350,000 Queenslanders whose families are involved in adoption (official figures). Neither can it be assumed that all the 210 people who responded to this question want Identifying Information released unconditionally.

Many adopted people and birth parents consider it unfair to be forced to register their right to privacy on such a register. World authorities on adoption reunions, such as John Triseliotis, have recommended that a Voluntary Mutual Consent Information and Contact Register is the fairest, most dignified and cost-effective way of effecting adoption re-unions. Such a Register has worked most efficiently in Vancouver, B.C. since their records were opened.

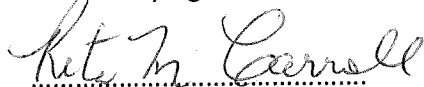
D. Parliament has also been told that, generally, registered "Objections to Contact" have been honoured in other States.

Our experience on a telephone helpline over 18 (eighteen) years have taught us otherwise. The "Objection to Contact" has frequently been breached. The reason that there has been only one prosecution in Queensland since 1991 (one has been reported in Western Australia) is simply because the permission of the Minister was required before a prosecution could be initiated. This was always difficult to obtain and complainants were referred to counselling.

We urge you to recognize:

- i. the injustice of yet another broken promise by this Government.
- ii. the inadequacy of the 10 week consultation process;
- iii. the imbalance between - the number of mature adopted people and birth parents (2880) whose lives will be irrevocably disrupted by these legislative changes and - the very small minority (210) who are pressuring for the changes.
- iv. the harsh reality of family break-down, depression and fear which are the far-reaching consequences of unwanted and unsought contact from the other party to an adoption, as opposed to the fairytale TV reunions which we see in the "honeymoon" phase.

So in the light of this factual information, we most earnestly and strongly urge you to amend the "Adoption of Children Bill, 2009" in order to honour the "Objections to Release of Identifying Information and/or Contact" which are currently in place.



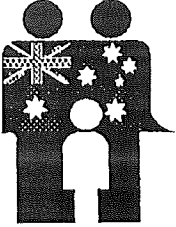
Rita Carroll (President)

14th July, 2009

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Representing - Adoptees, Birth Mothers and Fathers and Adoptive Parents

16th July 2009

Mrs. Carryn Sullivan
Scrutiny of Legislation Committee Queensland
Parliament House, George Street, Brisbane,
Queensland.

Dear Madam Chair,

With respect, the Adoption Privacy Protection Group Inc. wishes to draw the attention of the Members of the Scrutiny of Legislation Committee to documentation in relation to the Adoption Bill 2009, Part 4a – Access to Information.

It is our view that Parliament has been misled concerning i. he Consultation period and ii. the results of the Consultation Feedback Report for this Bill. A communication and supporting documentation has been sent to all members of the Queensland Legislative Assembly. This communication and supporting documentation is enclosed.

We refer also to paragraphs 2.16 and 2.17 of the document “Queensland Scrutiny of Legislation Committee - assessment of impact of its work”. The retrospective provisions of the Adoption Bill 2009, Part 4A have the potential to disadvantage individuals affected by the Bill e.g if “..... individuals had legitimate expectations under the existing law and could reasonably be expected to rely on it”(2.17). These individuals will have their rights and liberties adversely affected. In fact those persons who will be directly disadvantaged by the relevant provisions have not had made known to them “the intention to change the existing legislation”.

If Parliament was provided with misleading information in regard to the Adoption Bill 2009 – Access to Information - it is reasonable to consider that the former Members of the 2008 Scrutiny of Legislation Committee were also misled in these matters.

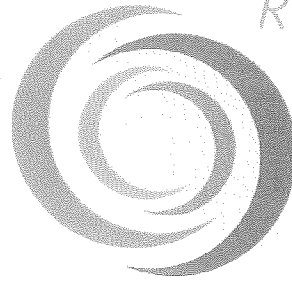
Will the current Committee please give immediate consideration to reviewing these retrospective provisions and recommending Amendments to the Bill which are consistent with maintaining the current rights of individuals, which they rely upon under the 1991 Amendments to the 1964 Adoption Act?

Yours faithfully,

----- R. M. Carroll (President)

Cc to Members of the Committee

Adoption Legislation Review



JULY 2002

Consultation Paper

Background to the Review

The *Adoption of Children Act 1964* has been amended (1990 -1991) to respond to changing times and adoption practices, however, the Act has not been subject to a comprehensive review to ensure Queensland's adoption services are consistent with contemporary values and practices.

In October 2001 Cabinet endorsed the Department of Families intention to conduct an internal review of the Adoption of Children Act 1964

1.2 Terms of Reference of the Review

The Review will:

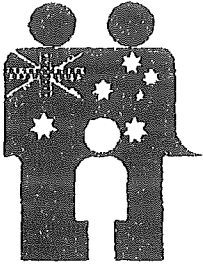
- Research and analyse significant issues affecting the provision of quality adoption services.
- Identify and develop appropriate responses that:
 - > provide a framework for contemporary, child-focused adoption legislation in Queensland that is comparable with adoption legislation in other Australian jurisdictions;
 - > support efficient and accountable practice in the delivery of child-focused adoption services and business practices;
 - > promote the welfare and best interests of the adopted person throughout his/her life; and
 - > ensure adoption legislation and practice in Queensland complies with Australia's obligations under relevant bilateral agreements and international conventions.
- Identify implications for departmental practice, human resources and information technology and develop strategies to support the implementation of new legislation.

****Note:

The Government retains its policy in relation to the provision of identifying information and contact, and the capacity to object to the provision of identifying information and contact, as reflected in sections 39AA, 3913, 39C, and 39D, of the *Adoption of Children Act 1964*.



Queensland Government
Department of Families



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Representing - Adoptees, Birth Mothers and Fathers and Adoptive Parents

*File
parliament*

15TH April, 2009

Dear MR. WELLINGTON

We are an adoption support group who are not opposed to adoption re-unions provided these are effected via a Mutual Consent Contact and Information Register. We have staffed a voluntary telephone support line for birth parents, adopted people and adoptive families for 18 years.

Adoption re-unions, which are forced when identifying information is clumsily released to one party without the knowledge or consent of the other party, are historically traumatic and destructive and the negative effects are long lasting. This is what The Adoption Bill 2009, tabled by ex-Minister Keech, will allow if it proceeds.

We are given to understand, that, as the Bligh Government has been returned to office, The Adoption Bill, 2009, as tabled on 12th February, 2009, will now proceed.

The provisions of this Bill are diametrically opposed to the LNP's philosophical statement on Adoption (encl).

We believe that all Members of Parliament, before voting on this Bill, should be aware of certain inaccuracies and problems associated with the "Balancing Privacy and Access: Adoption Consultation Paper". This has particular reference to Part 4A, Section 39AA, (of the existing legislation) and the "Objections to the Release of Identifying Information/and or Contact."

A.

The Minister's message in the Consultation Paper states that "there are almost 3000 Queenslanders who currently do not have access to information about their identity". This refers to the number of "Objections to the Release of Identifying Information and or Contact" - otherwise known as "vetos" - which have been lodged by both birth parents and adopted people.

As 1168 of these Queenslanders are birth parents who do know their own identity, this statement is inaccurate.

Only 464 adopted people have applied for, and have been refused access to, identifying information because of vetos placed by birth parents (not 3000).

Number of vetoes lodged by adopted people - 1719

NB.

There are 50,000 adoptions recorded for Queensland - involving 150,000 adopted people and birth parents. An

estimated 350,000 people altogether in Queensland are involved in adoption. (Official figures)

B.

The Queensland Government website invited comments from anyone affected by adoption "in particular, an adoption that occurred in Queensland after 1 June 1991"

The only people to be affected by the late inclusion of Part 4A in the Review are those adopted people and birth parents involved in an adoption before 1 June 1991.

C.

Section 3: Adoption Consultation Paper - "Queensland's laws are the most restrictive".

Queensland's laws are, in fact, the most protective for all parties. South Australia and Victoria also have facilities for "Objections to the Release of Identifying Information and/or Contact"

There was minimal public notification by the Department of this retrospective change to the Terms of Reference of the Adoption Legislation Review.

For seven years, since 2002, the adoptive community has been reassured consistently that part 4A Section 39AA would not be included in the Terms of Reference of the Review, and so were lulled into a false sense of security.

Suddenly in July 2008, a further Consultation Paper was issued with regard to the inclusion of Section 39AA with a

10 week consultation period ending on September 19th 2008.

Written advice of the commencement of this consultation re change to the Terms of Reference of the Review was forwarded to stakeholder groups, support groups, current prospective adoptive parents and families of adopted children under 18 years of age.

The only people who did not receive written advice of this sudden retrospective change of direction were the only people whose lives would be directly affected i.e. the 1719 adult adopted people and 1168 birth parents (involved in adoptions before 1991) who had lodged "Objections".

The Department consistently refused our requests that the 2887 adopted people and birth parents on the "Objection to the Release of Identifying Information" Register should be notified, in writing, of the changes to the Terms of Reference of the Review. We must ask "Why?"

The Department also consistently refused our request for a copy of the draft legislation. Again, we must ask "Why?" The people to be affected by this legislation needed to be reassured that the legislation had been drawn up in compliance with the results of the Consultation process.

Only 50 of the adopted people registered on the "Objection" register contributed to the feedback process as most were unaware of the changes to the Terms of Reference.

Only 181 adopted people and 91 birth parents contributed to the total of 439 submissions to the Consultation process - "Balancing Privacy and Access".

The Consultation Feedback Report confirmed that the level of support for reform was not overwhelming. In a statement such as "65% of people thought the legislation was unfair" (unfair to whom?), "unfair" was not defined or qualified by the Minister. Also 65% refers to 65% of the 321 people who answered that question, not 65% of the adoptive population, nor indeed, 65% of the general population.

I refer you to the Vancouver (B.C.) Adoption Re-union Registry,

<http://www.mcf.gov.bc.ca/adoption/reunion/services.htm>

a template for a system which caters for the needs of the vast majority of adult adopted people and birth families, and we would urge you to re-think this flawed legislation which favours a very small minority.

Please accept our very wishes for every success for this new Parliament.

Sincerely



Rita M Carroll (President)

John R Telfer
11 Riesling Street
Carseldine Qld 4034
07 3862 8515
0418 777 006

14 May 2009

Mr Peter Wellington
Member for Nicklin
Shop 3, 51 Currie Street
Nambour
Qld 4560

Dear Mr Wellington

I write regarding the proposed change in adoption legislation which would allow adoption by unmarried couples who have been cohabitating for two years.

As a father of five adopted children and a former President of the international Adoptive Families of Queensland this disturbs me very much. Under the current regulations it is required for a couple to be married for a minimum of two years. In a traditional marriage you have a courtship, a decision is made to make a commitment in an engagement, and a formalising of that commitment has been made in a marriage. Then under the current legislation you need to prove that commitment for a period of at least two years (not a long period of time).

If we change that to a situation where there is no identifiable courtship, no identifiable decision to make a commitment, no identifiable point of confirming that commitment, and no identifiable period of proving that commitment, we are lowering our standards considerably. We are allowing couples with no clear commitment to each other to become adoptive parents. This situation has a very high risk of being devastating to the children given that de facto couples break up more readily than married couples.

Adopted children are often those who have been hurt and traumatised. Stability and security is a monstrous issue for them. Even those who are adopted as infants have issues to deal with. It is essential that they be adopted into homes that are stable and secure. There is nothing that could be more devastating for the children than the double trauma of being adopted into a home that does not have the security of a clear and permanent commitment sealed in a marriage that has had time to prove itself.

All legislation, policies and practices of the department must be determined by sound professional research with an identifiable integrity of data to back it up. It must not be driven by the whims, desires and philosophies of individuals and pressure groups

The Queensland Adoptions Department and its parent Child Safety, talks often about the "best interest of the child". Now is the time for them to prove that this is what they are doing by producing the research, and the identifiable integrity of data to show that this change in legislation is truly in the best interest of the child. Conversely perhaps they could listen to the research that says it is not.

We should not be proceeding with this change until it is proven that it is in the best interest of the child.

Yours in the best interest of the child



John R Telfer