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4<sup>th</sup> October 2016

Ms Leanne Linard MP, Chair  
Health, Communities, Disability Services and Domestic and Family Violence Prevention  
Committee  
Parliament House, George Street  
Brisbane Qld 4000 BY Email [hcdsdfvpc@parliament.qld.gov.au](mailto:hcdsdfvpc@parliament.qld.gov.au)

Dear Ms Linard

**Submissions: Adoption and Other Legislation Amendment Bill 2016**

Please consider this submission which will focus on the adoption of a child by a step parent.

**Submission 1**

I note that one of the proposed amendments adds a definition to assist the court without altering the law per se:

Section 208(f)—

*insert—*

*Example for paragraph (f)—*

a parent of the child has died or can not be located after making all reasonable enquiries

I support this amendment, though I am puzzled that the wisdom of the court did not extend to such a definition in the past and that such a definition was required in the Act. In the end I am grateful for the clarification it provides as the writer is currently an applicant step parent, and the other biological parent has not been located: not since before the birth of the child.

**Submission 2**

I submit the following amendment in addition to those amendments tabled by the Minister.

**Clause 67 Amendment of S204 Application by step-parent**

*insert*

(d) the chief executive shall complete the suitability report within six months of the application unless unreasonably delayed by the applicant or extraordinary circumstances prevail.

In context for the benefit of the reader:

#### **204 Application by step-parent**

(1) This section applies if a person (the *step-parent*)—

(a) has made an application under part 5, division 1; and

(b) has been assessed as suitable under part 6; and

(c) has received, from the chief executive, a suitability report for the proposed adoption.

*(d) the chief executive shall complete the suitability report within six months of the application unless unreasonably delayed by the applicant or extraordinary circumstances prevail.*

(2) The step-parent may apply to the Childrens Court for a final adoption order for the adoption of the child by the step-parent.

(3) The application must be made jointly with the step-parent's spouse.

#### **Reasoning:**

The process to adopt a step child is excessively long and drawn out. It begins with an application to the federal Family Court of Australia. That requires legal experience or costs, an application, supporting affidavits and eventually a hearing. In the writer's case this is a process that commenced in late 2015 and was concluded five months later [REDACTED].

The very next day I made application to the Department. I was aghast that I was informed that the process would take a further twelve months, after already having gained Court approval.

Months went by and we saw no progress. In September my wife and child have been interviewed and I was told that I too would be interviewed. My wife informed me that she was told that the process would take a further two years.

To be brief:

- The Department, culturally seems to be focussed on 'blind' adoptions where excessive care is taken in selecting prospective adoptive parents. The situation with a step child is completely different. The child has lived with me since before the age of two, knows me as "daddy", is now aged six and first met me at six months of age, had never met his biological father. He is a high achiever at school and is otherwise well cared for. What more could they possibly need to assess that would take two years? Especially given that the Adoption application, whether approved or otherwise, will make no difference whatsoever to the care and living arrangements for the child?
- The Family Court of Australia has already granted, in their learned opinion, permission for the Adoption. But this seems to have no sway in the process. It was six months of expensive work it seems, just to tick a box?
- The Department is intentionally slowing down the process, vis

- The application first went through one Team, and I was told in March that they intentionally slow down the progress because of a bottleneck with the second team.
- The interview process includes interviews with the mother and child, and when that is concluded by a separate team, the step step-father. That is grossly inefficient. There is no logical reason to choose linear scheduling when parallel processing of both interview streams could save time.

The mother has already changed the child's surname to [REDACTED] and he is well accepted and cared for by my family. My wife is estranged from her family following incidents of violence and a restraining order. Without more detail I hope that the Committee can begin to appreciate our felt need and urgency for this adoption.

But the need is more than that. When I take F to school am I a parent? Or do I need a blue card to help out in school events? What about soccer practice? The administrators are not legal experts and prefer to err on the side of bureaucracy and say "no – you need blue card" But because I am not engaged by the club or school, I can't make an application for a blue card. Catch 22.

F is now an Australian Citizen with an Australian Passport. But can I travel with him? His mother recently went overseas urgently to see a gravely ill grandparent. Could F and I follow? Could I take F out of Australia – not being a "full" parent? ( and with Mother not available to give written consent). My research shows that I could send F as an unaccompanied minor, traveling alone, but that I could not take him. That, I suggest is the ridiculous situation we are left in.

Our need goes beyond even these examples. It has been almost a year since the FCOA application began and now a further two? These applications, interviews etc are not without stresses. Not without tensions. We are restrained to live in Queensland for as long as the Department cares to take.

The Family Court of Australia has long recognized that it is in the best interest of the child to have matters affecting a child to be settled quickly. Courts are notoriously slow mechanisms but the FCOA matters are invariably heard and settled within 6 months of an application.

The Act should ensure that the Department attends the best interest of the child, and learns from the experts in such matters, the FCOA.

My amendment will get push back from the bureaucracy. The public service likes to give industry and the public deadlines but avoids applying the same standards to their own work. The amendments proposed by the Minister include time limitations of six months for an applicant, but there is no compulsion for the department to act in a timely manner. I propose that that changes.

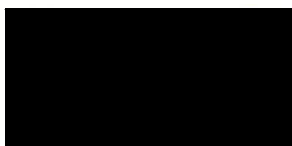
The Department has given us specious arguments that they have to get it right in-case, when F becomes 21 he asks questions of the Department. I interpret such risk averse behaviour as protecting the Department and not the child nor the family.

I do not blame the Department officers per se. In decades of dealing with glacial decision making I have hypothesised that it is the fault of how we manage our civil service.

If I were to bring up my child with no rewards for good work, and only punishment for doing wrong I would be much more than a poor parent. If I were to train my dog with only punishments for doing wrong and no rewards the RSPCA would likely seek to have me charged with cruelty. Yet that is how we “train” our public service – no rewards for a good job, but adverse media attention and worse for making a mistake. Even decades later. So we end up with decision avoidance.

The bottom line is that the Department should not have an infinite time line with no restraint on doing a simple job. Adoption of a step child is not going to change the living arrangements for the child, and so such applications should, could and must proceed with much greater haste, and much less stress on the applicant families.

Yours sincerely,

A large black rectangular box redacting the signature of the sender.

Gary 