

I am making this submission on the basis of my professional experience as a Social Worker in a support role with adult adoptees, mothers, fathers and other family members for the past seven years. I am also an adult who was adopted as an infant in Queensland in 1987.

The recent recommendation that the Queensland Government should consider the NSW Adoption Act 2000's stance in regards to placing children within out of home adoption arrangements within 24 months of entering the department's care, is concerning in relation to potential violations to the human rights of children and families. This is because doing so may frequently involve dispensing of a birth parent's consent and severing their relationship with their child forever (as distinct from terminating their parental rights) and changing not only their child's legal identity, but also that of grandchildren and future generations. We have learned about the damage that these actions can cause through enquiries in to past adoption practices in this country. As a result of these enquiries, all State Governments within Australia and the Federal Government have issued apologies that have occurred in relation to past practices. The Queensland Government apologized for past adoption practices on 29th November 2012 and is now considering replicating the practice of dispensing of a birth parent's consent and organizing the adoption of their children.

The UK's Commission for Social Care Inspection (2006) reported that after consultation with children whose names were on the Child Protection Register, these children revealed how important it was to them that their parents were given help and a fair chance to try to change. Even in cases where children cannot be safely returned to their parent's care and need to be cared for by others to the age of 18, the biological parent/s may still play an important role in their child's life in a different capacity that still honors their life-long relationship to their child. It is also very important to children and families to maintain important connections between a child and their extended family members such as siblings, grandparents, aunts, uncles and cousins.

The coroner's recommendation states that QLD should follow New South Wales framework without acknowledging that Queensland has the option of permanent care orders which provides for the security and stability of children through long-term care until the age of 18, without having to sever the child's legal identity, relationships with extended biological family and changing the child's birth certificate.

The current child protection act (1999) sets out provisions for achieving permanency for children. Here permanency is defined as the experience of having 'ongoing, positive, trusting and nurturing relationships with persons of significance to the child, including the child's parents, siblings, extended family members and carers'. However, adoption severs these legal relationships and open adoption does not have safeguards in place to ensure that the child will have access to their biological family. Open adoption leaves decisions around contact with biological family with the adoptive parents and there is no legal obligation to maintain contact. Some of these biological family relationships may be complex and with open adoption, there are not always supports in place to

assist adoptive parents to facilitate such contact on behalf of their child.

A recent statement has been made that adoption will be considered more genuinely as one mechanism for achieving permanency. However, there is no information available about how the decision regarding adoption vs. a permanent care order will be made. This is crucial information that is missing at present.

In addition, the Coroner's Court of Queensland has recommended that the department report to the Coroner's Court of Queensland the number of children adopted and the details of those matters every six months for the next 5 years. This is a very concerning recommendation as it indicates the belief that adoption is a 'solution', rather than simply one permanency option which has its own consequences and harms. It also emphasizes 'numbers' (of adoptions) over qualitative information about the individual situations of children and families.

It is excellent that the legislative assembly is considering the unique factors surrounding the Indigenous and Torres Strait Islander community's rights to self-determination and continuity of culture and identity. However, it does not similarly acknowledge the past harms done to non-Indigenous Australians through adoption and the rights to self-determination and continuity of family and identity for all young people in our society.

The only situation where an adoption should be considered without a parent's consent is where the child is able to consent to their own adoption when they reach a suitable age and level of maturity, as appropriately assessed with great care and consideration to all involved.

If the overarching principle of the Queensland Child Protection legislation is about what is in the best interests of a child (throughout their life), greater weight should be placed on the voices of adult adoptees who have experienced the consequences of past adoption practices, as well as adults who have exited the child protection system.

As is identified in the Coroner's report following the death of Mason Jet Lee, there are many other actions that can be taken to ensure the safety and permanency of children in our society. One of these is by seeking constant improvement within the broader child protection system. This relates to systemic factors such as ensuring that adequate support is available for staff (including a space to reflect through appropriate clinical supervision) and adequately remunerating staff who have the qualifications and skills to conduct this extremely complex work. These issues should be explored over a longer period of time and in a way that includes greater community consultation with interested and informed parties.

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