



Speech by

Hon. ANNA BLIGH

MEMBER FOR SOUTH BRISBANE

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ADOPTION OF CHILDREN (HAGUE CONVENTION ON INTERCOUNTRY ADOPTION) AMENDMENT BILL

Hon. A. M. BLIGH (South Brisbane—ALP) (Minister for Families, Youth and Community Care and Minister for Disability Services) (4.44 p.m.), in reply: I would like to start by thanking the shadow Minister for his support for this legislation. Given the long history of this Bill, I fully expected that when I brought it into the Parliament it would receive bipartisan support. Again, I thank the shadow Minister for his support. I did actually expect that the rest of the members of the House would support the Bill, given that it contains what I believe are very noble aims, and I am disappointed that that is not the case.

I will deal with a couple of matters. Firstly, I would like to acknowledge, as the member for Indooroopilly said, that this is a Bill that has the potential to affect a great many lives. As he stated, there are estimated to be in the vicinity of thousands of children internationally—possibly up to 20,000—who may be eligible for adoption or who are in the process of being adopted by people from other countries. That is not reflected in Queensland at this stage. In the past 12 months, 40 children from other countries were adopted by Queensland families. However, that 40 does actually represent twice as many children as were adopted from within Queensland.

The South Korean problem that the shadow Minister alluded to highlights, in my view, some of the strengths of this Bill and the very need for it. The business of adoption is a very emotional one, whether it is a domestic or intercountry adoption. There is therefore a very strong need to ensure that all of the procedures surrounding the process of adoption are fair and accountable to all concerned. The Bill that is before the House does in fact contain measures which protect children, measures which protect the rights of birth parents and measures which provide a degree of certainty for prospective adoptive parents.

The Queensland administration is indeed unique. We are the only State in Australia which provides for administrative adoption approvals, that is, the director-general of the Department of Families, Youth and Community Care is empowered to actually approve adoptions. This spares families the expense and the time that it would take to have this process approved in the courts, as is the case in every other State. It is a very important feature of our system and it is an important reason why all members of the House should be supporting the Bill. The criticism that has been levelled at the Queensland Government in regard to ratifying this treaty has indeed come largely from other States and from organisations which are involved in private adoptions. Such organisations do not exist in Queensland and are not approved for operation in Queensland.

The member for Chermside pointed to the need for us to find a balance between the interests of a family of origin, the interests of the child and the interests of adoptive parents. I believe that the preamble of the convention goes to the very question of this balance. It is not only a question of legislation; it is also a question of practice within the department, and one which I can assure the member for Chermside we take very seriously.

I turn now to the comments of the member for Whitsunday. I have to say that I was very disappointed by a number of his comments. I would like to draw the attention of the member for Whitsunday to the title of the Bill. The title of the Bill and the contents of it are the Adoption of Children (Hague Convention on Intercountry Adoption) Amendment Bill of 1998. Despite the rhetoric that the member is so interested in, we are not debating the United Nations Convention on the Rights of the

Child. We are in fact debating a convention that originates from the Hague Conference on Private International Law.

The Hague Convention has existed since the 1860s. It is the oldest international convention in the world and it predates the United Nations by over 50 years. The Hague Convention on Intercountry Adoptions is a technical document to assure international cooperation and provide a framework between nations in the area of adoption to ensure that high standards are achieved to protect children who might be the subject of adoptions. The preamble to the Hague convention does make reference to the United Nations Convention on the Rights of the Child, but it is only a reference in the context of the spirit of that convention being supported in relation to matters such as the opposition to trafficking in children, the exploitation of children and the rights of children.

I have to say that I find it quite amazing that the member for Whitsunday would come into this House and oppose this Bill. I have to ask him: which parts of the document could possibly be so sinister as to induce him to oppose the Bill? Make no mistake: in my view, any opposition to this Bill is a clear vote in favour of the exploitation of children on an international scale. Let us have a look at the preamble. Could it be that the following statement offends One Nation—

"The States signatory to the present Convention, recognising that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding."

Mr Bredhauer: Must be anti-family.

Ms BLIGH: He must be anti-family, I say to myself.

Article 4 of the convention requires that an adoption between one country and another has to establish certain things. Firstly, it has to establish that the child is adoptable. Is One Nation suggesting that we should not go down that path? Is it suggesting that we should just move children between one country and another without first establishing that the child is in fact adoptable? Article 4 also requires that each country must ensure that birth parents freely give their consent to adoptions.

Mr Lucas: No more stolen generations.

Ms BLIGH: Exactly. Is One Nation suggesting that birth parents should not be giving their consent freely? What else could possibly have upset One Nation? We must make sure that consents have not been induced by payment. Is One Nation suggesting that we should in fact condone paying people to give up their babies? Is that what One Nation supports? Should we be opposing the requirement that the consent of the mother, where required, has been given only after the birth of her child?

Could it be article 7 that upsets One Nation? Article 7 requires that countries with central authorities shall cooperate with each other. Could it be that which One Nation finds so offensive? Could it be that an accredited body for adoptions can only be one that pursues non-profit objectives? Maybe One Nation would like to see us trading in profit-making adoption agencies.

Mr Lucas: Perhaps they want to privatise adoptions.

Ms BLIGH: Perhaps indeed. They may wish to privatise adoptions. The irony of One Nation's opposition to this Bill is that the effect of the decision by Australian Governments to ratify the Hague Convention is that the Commonwealth passed legislation which came into effect in December last year. That legislation overrides the current Queensland law. If we do not pass this Bill we will be subject to the Commonwealth's national scheme legislation. The irony is that One Nation's very opposition to this Bill would ensure that Canberra's will prevails over the will of this Parliament. Its actions would ensure that this Parliament does not have the right to preserve Queensland law in its current form.

For example, this Bill provides that Queensland continue to ensure that we have an administrative approval system for adoptions, which is significantly easier for families and couples who are waiting for adoptive children and significantly less expensive for those citizens. One Nation's decision to vote against this is in fact a vote to make Canberra's law override the current scheme in Queensland. But it would only know that if its members actually read the Bill instead of reacting in such an extreme way to some of the words in the preamble.

Mr Lucas: Better to have people suspect that you are fool than be convinced of it.

Ms BLIGH: I take the interjection from the member for Lytton. The comments of the member for Ferny Grove regarding the vulnerability of prospective parents are ones I think we would all agree with. As I said earlier in response to the comments of the member for Chermide, prospective adoptive parents are in fact often in a very heightened emotional state. That points to the very reason we need to have rigorous and accountable adoption procedures—to ensure that people's emotional vulnerability is not exploited.

I reassure the member for Ferny Grove that, while from time to time people may have had problems with my department and some of its procedures, there have recently been some significant

staffing changes in the adoptions unit. There has been a breath of fresh air. I will certainly be drawing some of his comments to their attention.

I also endorse the comments of the member for Ferny Grove that working with processes around adoption in not only Queensland but also intercountry can sometimes be like finding one's way through a labyrinth. It makes what is already a very difficult process more difficult. Again, I will take that on board.

The member for Ferny Grove raised concerns about birth certificates. I clarify that the certificate that families in this situation receive from our department is not a birth certificate. It is simply a certificate of adoption. That accounts for some of the differences with these two pieces of paper in the past. I endorse the member's views about the significance this has in the lives of families. The certificate system is currently being reviewed by the Registrar General. I am unable at this stage to tell the member the outcome of that review, but I thank him for bringing it to my attention. I will follow it up and advise him in the House of the outcome of that review.

Again I turn my attention to the comments of the member for Lockyer, who stated that the Bill would threaten the integrity of immigration law in this country, which we know One Nation members have a passion and fondness for. I draw his attention to clause 13 of the Bill, which I assume he has not made any effort to read. It actually sets out the circumstances in which a director-general may or may not make an order for an adoption. It firstly requires that the chief executive officer may make an order for the adoption of the child by the applicant only if, at the time of the order, certain circumstances are met. What is the very first one? It is that the child is not prevented from leaving Australia under a law of the Commonwealth or a State. So if the child was unable to either enter or exit the country because of our immigration law, the chief executive would be prohibited under this Act from making such an order. The comments of the member for Lockyer are a patent nonsense.

The consent of the child is something which concerned the member for Lockyer. I draw his attention to article 4D, which requires that the consent of the child, should the child be of a sufficient age to give it, is in fact required under this Bill.

Again I point out to the member for Lockyer that One Nation's opposition to this Bill in fact equals compliance with the will of the Federal Government. In the absence of this Bill, the national scheme legislation will prevail. In the absence of this Parliament asserting its right to determine the adoption framework that will operate for the State of Queensland, which this Bill seeks to do, the Federal scheme will prevail. It currently prevails—it came into effect in December 1998—and a number of international adoptions are being held up while this legislation is being passed. One Nation's opposition to this Bill is nothing more than its concession to an international treaty taking precedence over Queensland law.

Mr Hayward: I think they got confused on "international treaty".

Ms BLIGH: There are a lot of syllables in those words. When you put them together, it is very long. Here we have an attempt by the countries of the world to work together cooperatively to ensure that when we send a child from one country to another, to live their lives in a country away from the one in which they were born, it is done in a way which is fair to all of the parties, including the birth parents, and in a way which is safe for the child concerned.

Let us not underestimate what a very significant thing it is to send a child away from their country of birth into a foreign land with a foreign culture. We as an international community have an obligation to work together to ensure that such arrangements are safe and that they are not done for profit.

The member for Lockyer said that he was unaware of any incidences of child trafficking or child exploitation in Queensland in recent times. I do not know where the member for Lockyer has been. I suggest to him that there are people all over the world who, for their own personal interests and the profit motive, are prepared to sell babies on the international market. I know people who have travelled to Third World countries in which there are signs on the airport tarmac to ring a certain number to buy a child. That is the kind of thing people are driven to. I do not believe that is something this country should be party to and I do not believe the majority of Queenslanders would want us to be. I know that this Bill has widespread community support.

I assure the member for Redlands that the irregularity he highlighted has been brought to my attention, but I thank him for bringing it to the attention of the House. It is a very difficult problem that requires resolution. I understand the difficulties it has meant for a number of individuals who are caught in this trap. I am certainly happy to give a commitment that we are working towards a resolution. I inform him that the department is in fact bearing all of the associated costs at this stage. Any resolution we can achieve we will. I am also informed that this was a particularly unusual set of circumstances that is unlikely ever to be repeated. That is not much comfort to the individuals currently caught in these circumstances, but certainly it should be a comfort that it will not recur.

I put on the record my thanks to all members for their contributions to this debate. I also thank the staff of my department and my office who have worked on this legislation. Many of them have worked on this legislation for a long time.

Mr Knuth: What about me?

Ms BLIGH: Don't tempt me!

Mr DEPUTY SPEAKER (Mr Mickel): Order! The member for Burdekin!

Ms BLIGH: I did not think that I would find myself apologising to the member for Burdekin, but I apologise for having left him out. His contribution to the debate was obviously so scintillating that it entirely slipped my mind. As I recall it—apart from wanting me to paint the bridge pink—he wanted me to add a clause to the Bill to achieve a certain outcome. I suggest to the member that the way to add a clause to a Bill is to move an amendment to it, and this is not the part of the debate at which we would do that. We will very soon enter the Committee stage, and if the member has an amendment to the Bill, I suggest that he moves it at that time

Mr DEPUTY SPEAKER: That would make my life easy.

Ms BLIGH: Yes, it would make the member for Logan's day.

I understand that the member for Burdekin was seeking to add a clause that would prohibit children from other countries being adopted in Queensland by same sex couples. I am happy to debate that issue if it is raised at the Committee stage. However, I say to the member that it is unnecessary, because anybody seeking to adopt a child, either within Queensland or from another country, has to satisfy the eligibility criteria, and the current eligibility criteria require that couples be married.

Finally, I thank the member for Indooroopilly for both his recognition of the hard work of the staff of the department in relation to this matter and his support for the Bill. I commend the Bill to the House.
