



Speech by

GEOFF WILSON

MEMBER FOR FERNY GROVE

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

Mr WILSON (Ferny Grove—ALP) (3.58 p.m.): It gives me great pleasure to rise in support of this Bill. I do so particularly reflecting upon an experience I have had with a constituent of mine who came to visit me late last year anxious and concerned and terribly worried about the process of adoption in which she was involved and about which she was familiar but which involved other parents. It was through that experience that I came to understand some of the difficulties and some of the yearnings and desires of parents who are looking to adopt a child from overseas.

Having had that particular experience, it seems to be highly inappropriate, and certainly a case of poor judgment, for the last speaker to use this debate to promote any ideological difficulties that he might have with the United Nations or any other international body. We should be impressed by the 10 years of consultation that has occurred at the State, Federal and international levels that has produced this convention and from which this legislation arises. We should take confidence from the fact that there has been widespread consultation and bipartisan support for this legislation. From that process, the public is entitled to draw confidence that the matters embodied in the legislation and in the Hague Convention are wholly and purely directed towards good and valuable things such as the protection of children who, without this sort of regulation, may be exposed to the untrammelled exploitation of those who see them as commodities to be traded in some way in the international forum. It is highly inappropriate that this Bill be used by anyone in the House to lambaste the United Nations for what they think are its deficiencies, no matter how sustainable those views might be. We ought to put that sort of rhetoric to one side and delight in being preoccupied with and focused on the interests of children and the Australian couples who are anxious to provide families for children from overseas although, as the member for Chermshire said, the numbers are not great. Nonetheless, the numbers are greater than those involved in the reverse adoption process, from Australia to overseas.

I had not intended to speak about the international situation and the United Nations. However, after listening to the comments of the previous speaker—and I hope no more comments to the same effect are made—it seemed important to distinguish the good and worthwhile things that we are trying to do from easily embraced but shallowly supported ideological views from the far and off-the-wall Right Wing in this country.

As I was saying, I was visited by a couple who live in my electorate. Both the woman and her husband were in their mid thirties. For many years they had been wanting to have a family, but with no success. Like many others, having gone through the trauma, anxiety and difficulties of trying to have their own family, they chose to adopt a child from overseas. That is not a straightforward process. As the member for Chermshire said earlier, it is a complicated area in human relations. It is also a complicated area in domestic law and international law. Consequently, when one adds those undeniable facts to the high sensitivity that is involved with the prospective adoptive parents and the relinquishing parents of the prospective adoptive child, one has a very difficult set of processes that needs to be worked through.

Like the member for Indooroopilly, I am impressed by the preamble to the Hague Convention that is set out in the Schedule to the Bill before the House. The Schedule identifies that the rights of the child are paramount. Maybe the members of One Nation cannot read beyond page 18, because if they had read page 19 and thereafter, they would have seen how the rights of the child are paramount. It states—

"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."

Who could argue against that? Who could argue against 10 years of earnest and dedicated work performed by people in Australia and 32 other countries throughout the world in an attempt to establish internationally recognised and embraced minimum standards for dealing with the issue of the adoption of children between countries?

The second part of the preamble also emphasises a matter that is central to the family. It states—

"Recalling that each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin."

Having identified the first two pre-eminent conditions in the adoption situation, it is acknowledged that there may be advantage in an offer of a permanent family to a child in another country that is not available in their State of origin. The fourth part of the preamble emphasises that the authorities must be convinced and take measures to ensure that—

"... intercountry adoptions are made in the best interests of the child and with respect to his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children."

One then comes to the two key articles, as they appear to me, in the Hague Convention. I enthusiastically recommend the reading of those two articles to my colleagues in One Nation. The convention clearly identifies the framework for the adoption process that is to take place. Article 4 states that the competent authorities in the State of origin, in other words, the country of birth of the child in question—and for the sake of One Nation, we are not talking about Rugby League—must determine—

"... after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests."

Article 4 further elaborates that there must be a counselling process for both the relinquishing parents and the prospective adoptive parents. It identifies that consent must be freely given by all the parties involved, evidenced in legal form. It provides that there must not be any inducement by way of payment or compensation of any kind by which the consent is obtained. Further, the consent of the mother can be given only after the birth of the child. Having regard to the age and maturity of the child, the article outlines the criteria for counselling and due information to be provided to the child. It also gives due consideration to the child's wishes and opinions. Article 4 is directed at the elements of the procedure that must be followed in relation to the prospective adoptive child.

Article 5 focuses on the key elements that must be addressed in terms of the prospective adoptive parents. It provides in part that the competent authorities of the receiving State—and in this case it will be most typically Queensland in that most of the intercountry adoptions are adoptions to Queensland rather than from Queensland—have determined that the prospective adoptive parents are eligible and suited to adopt and that they have ensured that the prospective adoptive parents have been counselled as may be necessary and have determined that the child is or will be authorised to enter and reside permanently in the State of Queensland.

As I say, who could argue against any set of laws that seeks to give effect to that? I certainly do not. To the contrary, I support the Minister bringing this Bill into the House. I support all of those members, on whatever side of politics, who have been involved in bringing this long process to this point, because we are going to end up with an excellent amendment to the adoption of children legislation.

In conclusion, I want to make reference to a number of matters. It seems to me, again from the experience that I have gained through speaking to a number of constituents, as limited as it may be—but at least I have been dealing with real people in real circumstances rather than reading some ideological claptrap off the Internet—that it should be borne in mind that as this legislation is enacted and implemented over time there should be regular opportunity for a review of its effectiveness. We are dealing with a highly complex situation, both legally and in human relations terms. We are dealing with vulnerable couples, who may already be parents, and we are dealing with vulnerable children. In my view—and I have put this to the Minister—we should establish in a systematic way a mechanism within the department by which there is automatically a periodic oversight of the effectiveness of this legislation and how it actually works on the ground.

I suggest also to the Minister that we should remain alert to how much support prospective adoptive parents in Queensland need in accessing the adoption processes and in dealing with the department. As I say, from my admittedly limited experience, those people strike me as being in a terribly vulnerable situation. They interpret what the department says as the law, not because they believe that they are getting legal advice but because they believe that what they are being told must be taken as gospel. Unfortunately, they see themselves in a fairly dependent relationship with the

department because of their great yearning and desire to adopt a child. I think that is an unfortunate relationship for prospective adoptive parents to have with an arm of Government that, essentially, should be there working for them, not alone, but in combination with its objectives of looking after adoptive children.

I would suggest further that the adoption processes, and I do not mean the key elements that I have addressed earlier but the practicalities of how they are implemented, be kept simple. I believe that it is an inherent law of bureaucracy to search for inertia and complexity and add detail to establish a labyrinth of processes and avenues through which one has to go to get from where one wants to start to where one wants to finish. I think that, in a particularly complex legal area and complex human relations area such as I have described, there are pressures to perhaps make processes more complicated than what they need to be to support the simple ends that are being pursued.

The final point that I want to make was also drawn to my attention by the people to whom I spoke. In Queensland today, when couples adopt a child and then register that adopted child—and I believe the child is registered on the register of adopted children—they receive a certificate that is, in comparison to the full-blown birth certificate that a child who is born naturally to parents in Queensland would receive, a very plain piece of paper with ordinary writing on it, a dull piece of bureaucratic paperwork, ordinary in appearance. The parents of a child who is born naturally receive a commemorative birth certificate when that child is registered. It is of elaborate design, colourful and very appealing. It would go well in a picture frame hanging on the wall.

Members might think that that is a very small matter, and maybe I thought that it was a small matter until I understood where this couple were coming from in terms of their approach to having a family. I now understand quite rightly that it became for them a matter of great concern. They regard it as an inequitable situation that a child who, through a matter of fate, is adopted from overseas gets the standard, plain paper version of a birth certificate whereas a child born naturally to parents in Queensland gets the deluxe, or the super-grade quality birth certificate.

As I say, from one point of view this could be regarded as a small matter, but from the point of view of the parents concerned it is a significant equity issue. If it is a significant equity issue to those people, then it seems to me that we ought to treat it as a significant matter of equity and address it. Through my inquiries of the department and the Department of Justice, I believe that this matter is being looked at. However, I must say that the answer that I got left me with the feeling that it might all become far too complicated to make the changes necessary for equity to be established. I am concerned that those apparent complications be put to one side and that an easy, ready resolution be found to this matter as it matters greatly to adoptive parents. I commend the Bill to the House and I congratulate the Minister on bringing it before the House.
