



Speech by

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MEMBER FOR MUNDINGBURRA

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

Ms NELSON-CARR (Mundingburra—ALP) (4.33 p.m.): I rise to speak in support of the Adoption of Children (Hague Convention on Intercountry Adoption) Amendment Bill 1998. This Bill's purpose is to introduce the Hague Convention on Protection and Cooperation in Respect of Intercountry Adoption into Queensland's adoption law. I wish to confirm and reiterate much of what has been said this afternoon. The safety of children is at all times the key issue. When children are adopted from one country to another, the wellbeing of the child is paramount.

In supporting the current efforts within Queensland, it must be acknowledged that the introduction of the Bill is the end result of more than 10 years' work from all State Governments. The processes of intercountry adoption needed improvement and there is enough evidence over the years to illustrate that adequate standards of assessment were often not followed. This was certainly the case for the refugee Vietnamese children who were airlifted from their country in 1975. Indeed, this was the real beginning of intercountry adoption programs in Australia.

It would be fair to say in hindsight that many of these children would have been better placed in their own country. We have all heard the horrific tales of international battles where families are divided and worlds shattered. There is an emotional minefield in these cross-jurisdictional child custody and abduction cases. The victim is usually the child.

Increases in divorce rates and international travel in recent years have contributed to the growing problem of international child abduction. The primary international abductors of children are either non-custodial or joint custodial parents who attempt to gain a full-time relationship with their child by removing the child from the country without the knowledge of the other parent. It is often referred to as "child snatching", and this self-help method of obtaining full-time custody is dangerous to the child and frustrates the usual judicial process for determining custody.

The parent whose child has been abducted endures financial and emotional hardships while searching for an abducted child and may be forced to litigate in a foreign country for the return of the child or for the enforcement of an existing custody decree. More importantly, international child abduction causes psychological hardship to children who are taken from their customary environment and subjected to a new parental situation, a new culture and perhaps a new language.

There is often a general lack of awareness on the part of the parent removing children to another country of the legal implications. International child abduction is a problem partly caused by ignorance. The majority of cases involve people who think that, once they get their child to another country, everything will be all right.

After 1988, the development of a binding international convention was sought and a special commission was finalised in May 1995. At least 32 countries are signatories to the convention and it has entered into force in more than 20 countries. In 1997 it was unanimously recommended by all Australian community service Ministers that Australia ratify the convention.

The outcome from establishing safeguards that ensure the best interests of the child is the prevention of abuses such as the abduction and sale of or trafficking in children. The most significant principle of the convention is that the child to be adopted remain in his or her family of origin and also, as a matter of preference, remain in his or her home country if possible. The wishes of the child are also given due consideration.

This Bill gives effect to the intention of this Government, previous Queensland Governments and other Governments across Australia to adopt internationally accepted standards to prevent practices such as the sale, abduction and trafficking of children. The Hague Convention on Protection and Cooperation regarding intercountry adoption will not only be implemented in Australia but also throughout the world, and this Bill strengthens Queensland's commitment to eliminating global abhorrent practices.

Queensland's own amended legislation means that the Hague Convention can be implemented without adding to the cost of the process. Once again, the safety and welfare of children in Australia is the principle at the heart of the Bill, and its ratification signifies its commitment to the international minimum standards when considering international adoptions.

While intercountry adoption may, and possibly should, be a last resort and not a means to increase numbers of children available for adoption, nonetheless should adoption proceed the criteria and regulations must be met to ensure the safety and wellbeing of the child. Therefore, I support the Bill.
