



Speech by

CHRIS CUMMINS

MEMBER FOR KAWANA

Hansard 15 May 2002

ADOPTION OF CHILDREN AMENDMENT BILL

Mr CUMMINS (Kawana—ALP) (12.30 p.m.): The minister has stated that one of the primary responsibilities of any government is to promote and protect the interests of children, the most valuable group in our community. I trust that no members in this House would ever disagree. The Adoption of Children Act 1964 is outdated and out of step with both contemporary practice and adoption legislation in other states. There are a number of problems with the current act that have been identified as requiring urgent attention. This bill addresses these problems.

Since the 1960s there have been numerous socioeconomic changes across our society. Some include the introduction of income support for single parents, the removal of the social stigma surrounding illegitimacy, a greater recognition of the value of different family structures and the development of modern family law and child protection legislation which provides for a variety of care arrangements to meet the differing needs of children. These changes are reflected in the enormous reduction in the number of adoptions throughout Australia since the 1960s and 1970s. For example, in 1971-72 almost 10,000 children were adopted throughout Australia. In 2000-01, some 30 years later, there were only 512 adoptions throughout Australia, including a total of only nine in our state of Queensland.

Despite the decline in the number of Australian children requiring adoptive placements, there has not been a similar decline in the number of people seeking to become adoptive parents. All other states in Australia have taken either legislative or administrative steps to ensure that the number of people seeking to adopt a child who are registered with adoption authorities is proportionate to the number of children requiring adoptive families. In most other states the adoption authority invites people to lodge applications in accordance with the anticipated number of children requiring adoptive families. The bill will establish a similar system to that which operates in other states by enabling people to lodge expressions of interest in being assessed as prospective adoptive parents when a public call for expressions of interest is made by the chief executive of the Department of Families. People who make expressions of interest will then be invited to have their suitability to be adoptive parents assessed.

In order to provide the best possible adoptive placements for children, it is necessary to provide high quality services to adoptive parents. The amendments proposed in the bill will enable resources to be directed more efficiently towards doing this. The bill involves the establishment of an expression of interest register and an assessment register to replace the current general children's adoption list and the foreign children's adoption list.

While there is much I cannot agree with from those in opposition, one correct point they have made in this debate is that adoption is one of the most sensitive issues a government will ever deal with. I have received deputations and correspondence both critical and supportive of the bill, and I respect the views of the people. I wish to quote a letter from someone I would call a supportive Sunshine Coast resident. I have sought permission to do so from Peter Gardiner, the author. I found the letter quite moving and relevant, and I commend Peter and his family for making public their story. I seek leave to table relevant documents that complement the letter, which was published in the local paper.

Leave granted.

Mr CUMMINS: The letter, headed 'The case for overseas adoption' and written by Peter Gardiner of the Sunshine Coast, states—

There are people in society who oppose overseas adoption and I can well understand where their argument is coming from even if I don't agree with it.

As a person who has been through this life-altering experience I believe I understand the issues as well as anyone.

For starters I've been forced to face up to and think deeply about the incredible consequences that may arise from flying into a foreign country, touching down for a brief stay, breathing in an exotic atmosphere and then jetting back out with a baby with a different skin colour and culture.

Like all things in life, unless you've done something, it's hard to fully appreciate the complexity of such an experience.

But please understand: this is not Tom and Nicole paying \$50000 for a quick-fix family.

When my wife Desley and I flew into a minus 10 Celsius Seoul on the eve of Christmas Eve 1999 for a week's stay that would culminate and meeting and later taking home our precious son Ben James Jin Soo Gardiner, it was a climax to a very testing two-years-and-a-bit assessment period.

And more importantly it was the start of a very long haul to give Ben a new life in Australia.

Unlike American-based movie stars, adopting overseas for Queensland couples is not easy, nor should it be. The world's orphanages should not suddenly become an open-door discount sale for people with a fancy to create or extend their family—a K-Mart for kids.

Australia and Queensland has a very exacting process for selecting couples who are suitable for the limited number of children in the world available for overseas adoption.

Personally I wouldn't have that any other way.

I might argue that there should be more resources thrown at the Family Services adoption office to help speed things up and bring Queensland into line with the rest of Australia, but then that supposedly is about to happen soon.

When you've been trying to have a biological child for 15 years and tried just about everything except voodoo and dancing naked in front of witch doctors—although doing IVF sometimes felt that way—anything that gives you a chance to be a parent is worth the wait.

Every time the impersonal medical procedures designed to make my wife pregnant failed, a little bit of hope died inside both Desley and I.

The promise of overseas adoption then, where the cynical might say you take a number, get in line, pay your dues and come out parents at the end of it, was compelling.

Right from day one, after we'd filled out all the appropriate forms and headed down to Brisbane from our home at Coolumb Beach for the overseas adoption information day, the adoption officers made it clear to us who the most important person was in this highly personal odyssey.

The child of course.

That's why they put us through the hoops—lots of them. People who adopt overseas have to write reports, undergo background checks and extensive medical checks.

And they are forced to examine their lives and their motives from a whole lot of angles.

It boils down to having to pass a parent test that no biological parents have to sit for before delivery day.

It's not the Spanish Inquisition but it's not easy either and quite a few couples opt out along the way.

I believe what the Adoption Services people are looking for here is commitment.

People who have been through the emotional wringer of infertility and stayed together are about as committed as they come.

I've read reports where the potentially destructive failure to have biological children has a powerful bonding effect on many couples.

If you want to go to hell and back, it's best not to do it alone.

Adopting from overseas I believe is a selfish thing to do.

But then parenting any child is about self interest as much as it is about the urge to procreate and then get into lots of debt to give your child the sort of things you think he or she deserves.

My desire to have a child was not about immortality. My genes are going to die with me.

I believe parenting—the chance to nurture and shape another person's life—is the ultimate thing and that defines us as humans regardless of whether they look like you or not.

And I wanted to be a part of that.

Adoption was my only way of being a father.

The most common reaction when I told anyone Desley and I were applying to adopt overseas was: couldn't you adopt someone from Australia?

It's a pretty good question and not one as mildly racist as it first appears.

It mattered not to me what country my potential son or daughter came from or their skin colour, but down the track it could make a great deal of difference to the way they are perceived in Australian society.

The simple answer to the question is no, I cannot adopt in Queensland or Australia because I'm too old. The cut off is around 35 and the waiting period was, last time I heard, about 10 years and most likely getting longer as fewer babies are given up for adoption.

Adopting someone from your own ethnic mix makes good sense for the child.

For starters it means they are not going to have to be picked on growing up.

From having talked with the children who have been adopted overseas, the inescapable truth is that my son Ben will be taunted by other kids at school because of his ethnic background and the fact that he doesn't look like his parents.

All people who were adopted from overseas grow up feeling some degree of cultural dislocation, but from talking to some and reading about quite a few others, most handle it.

Many go on to be vibrant, productive people in their adopted country.

And they almost always say that they knew they were different, but they got by with the incredible amount of love and support their parents poured into them.

It's my hope that Ben will say that about Desley and I one day.

There are people who want to close down overseas adoption programs and liken what Desley and I have done to the Church stealing Aboriginal people away from their parents.

In their eyes we are well meaning but misguided people, alienating a child because we cannot come to terms with our infertility.

I will never fully come to terms with our infertility.

Barren certainly must be one of the bleakest terms in the English language.

But Desley and I have dealt with our infertility, put it behind us and moved on.

Ben is not part of a stolen generation.

His birth mother gave him up for adoption, because Korean society, as we understand it, does not take kindly to single mothers.

Had she kept Ben, he would have grown up with a terrible stigma.

So she chose to give him up.

Koreans also passionately believe in blood ties.

Therefore adoption for all but the rare exception is unthinkable.

Ben's fate, if the overseas adoption program did not exist, almost certainly would have been to grow up in an orphanage until he was old enough to make his own way in the world.

I'm certain that whatever social dislocation he experiences here has to be better than that.

I'm not condemning Korea.

I'm fascinated by everything Korean these days and loved every minute of my short stay there.

Desley and I will take Ben back there when he is old enough to appreciate his birth country.

If one day he wants to try to find his biological parents we will assist him in his search.

All adopted children have serious issues to deal with—feelings of rejection, longings to know where they came from and so on.

I have two cousins in the one family who are adopted.

They were never interested in finding their birth parents, believing the mother and father who raised them are all that they need in their lives.

Others choose differently.

Would the critics of overseas adoption choose to close down domestic adoption because couples want to give someone else's unwanted child a home?

How can that be wrong?

In the end, if the parents are carefully chosen and life is half kind to both the child and their adoptive parents their coming together should be mutually beneficial.

Right now I sit back and watch Ben, his limbs brown from the sun, his body incredibly fit for a boy just under three, running and chasing seagulls along Coolum Beach.

In an eye blink two years has passed since our two-year wait to get him.

As a newly-born baby, Ben had severe pneumonia.

I think back to Seoul and the smog that stings your eyes and say to anyone who listens: 'At least if nothing else we'll have given Ben fresh air to breathe'.

Deep down we hope to give him much, much more than that.

As a footnote may I add my two bob's worth about the proposed changes to the overseas adoption process.

From what I understand from the correspondence sent to me by the Families Department the main thrust of the reforms is to pool a certain number of applications for adoption and select the very best for the available children.

Which is an admirable goal, but I wonder how well thought out the approach described in the letter to my wife and I is.

I can see it creating major traumas for the applying couples and, from a practical point of view, tying up the department in messy and perhaps costly disputes over claims of bias or alleged unfairness.

Imagine you have been waiting for two years, or six months or six weeks and someone comes along who has been in 'the queue' for two seconds and gets allocated a child because they are deemed outstanding parenting material.

People who apply to adopt are usually very determined.

Many are professional people who make it their business to thoroughly investigate the process with a fine tooth comb.

If the Government were to bring in such a highly selective processes I have no doubt there would be legal challenges from people who think someone else had received favoured treatment.

And if this process is all about doing what's best for the children needing a family, having a child's placement delayed by litigation and court injunctions would be a disaster.

The current system where cases are handled in a set order as they come in and people know where they stand from day one seems eminently fair.

The only thing lacking are the resources for the highly qualified and helpful adoption service staff to process the applications more quickly.

Thank you for taking the time to consider the thoughts of a very satisfied parent.

I thank Peter Gardiner and his wife, Desley, and son, Ben James Jin Soo Gardiner, for their correspondence. Their story is one that was quite moving. It was in the daily papers on the Sunshine Coast. In closing, I commend the minister. I know that she takes a very good-hearted stand and works diligently in achieving the best outcomes possible. I commend the bill to the House.