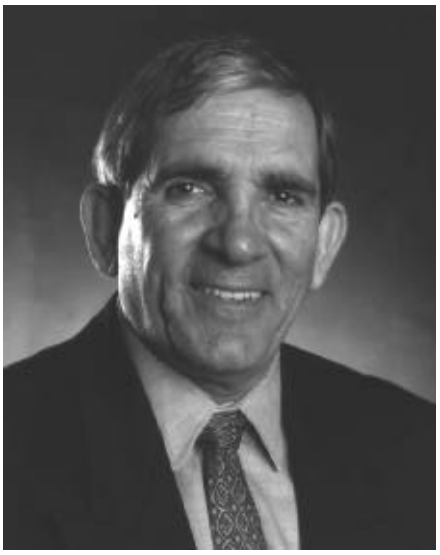

Speech by

Hon. J. FOURAS

MEMBER FOR ASHGROVE

Hansard 15 May 2002

ADOPTION OF CHILDREN AMENDMENT BILL

Hon. J. FOURAS (Ashgrove—ALP) (2.47 p.m.): I am pleased to take part in the Adoption of Children Amendment Bill. I specifically wish to address issues relating to intercountry adoption. In debating this issue in 1979, I stated that in the past intercountry adoptions have stimulated both enthusiastic support and vehement opposition. The proponents see such adoptions as a direct humanitarian service to needy children, while the opponents argue that no child should be transplanted from its own culture, nationality and race to be asked to bear the burden of possible rejection and loss of identity, not to mention the prejudice that is running rampant in our society.

I have always supported intercountry adoption. However, in that debate I expressed concern that intercountry adoption is not a viable solution for children in emergency situations brought about by war or disaster in their homelands. Decisions in such situations tend to be hasty, inadequate and often political. Consequently at that time I urged our adoption services to be vigilant and ensure that overseas adoptions are free of corruption, commercialism, misplaced emotion and politics. In 1968 no children were adopted from overseas. In 1971 there were 55 children adopted from overseas by Australians, whilst in the same year almost 10,000 children were adopted throughout Australia.

Prior to the Vietnamese airlifts following the conclusion of the Vietnam War, intercountry adoption was very small numerically. In 1975, for example, 250 babies came to Australia in this manner, most of whom had to be placed into adoption. From memory, Queensland took a very small number—about 28—of them. An article in the *Bulletin* at that time gave some shocking examples of corruption in relation to these adoptions. For example, some Vietnamese orphanages kept stocks of birth certificates of dead babies which were allocated to live babies without birth certificates so they could be sold for adoption. We all know about the Korean babies sent in particular to America to be made into little capitalists in an attempt to flee communism. Some of those adoptions were disastrous. However, I still strongly support properly managed intercountry adoptions.

When it comes to overseas adoptions, importantly, the policy must be that we do not owe a lesser duty to children from another country than we do to children from our own. The other day in the House I said that human rights belong to everybody—to our children and other people's children. We seem to forget that. We can find billions of dollars to treat the children of other people differently than we would our own and, in doing so, shame ourselves in the eyes of the world and divide our country. I have always expressed the view that adoption is about finding families for kids and not kids for families. Consequently, families adopting a child from overseas should be the subject of a complete home study with special attention given to the family's attitude towards that child's race and culture and the methods to be used to help the child cope with prejudice and discrimination.

When the Families Department announced that it would be bringing in amendments to its adoption legislation, two members of an intercountry adoption support group contacted me to express dismay about the impact of the amendments they thought were being brought into the House. I presume other members were similarly lobbied. They argued that the establishment of an expression of interest register and an assessment register to replace the current foreign children's adoption list was not only discriminatory but also based on flawed premises. In particular, I was told that the reasoning of the Families Department for introducing the proposed amendments—namely, to 'ensure that the gap between the number of people seeking to adopt a child and the number of children requiring adoptive families does not continue to increase'—was far from the truth with regard to intercountry adoptions. Their major concern was that the 260 applicants who had already spent two to three years on the

waiting list to begin the assessment process would, without consultation, be placed on the expression of interest list along with all new applicants. I have no disagreement with that with regard to local adoption. I agree with the sentiments in the current bill that applicants will only be transferred to the assessments register if they display particular qualities, skills and attributes to enable 'best matching' with the child requiring adoption. That applies for local adoptions. It is a concept I agree with very strongly in this legislation.

However, it is totally different with regard to overseas adoptions, where there is the difficulty that the children from overseas requiring adoption are not known to adoption services and all allocations are made in the relinquishing countries. That is the important issue. The children to be adopted are not known to our agencies. This bears restating. The concept of best possible matching has valid application to domestic adoption but is difficult in the context of intercountry adoption, where Queensland Adoption Services does not even know the child requiring adoption and may have little or no knowledge about the character or culture of families. The responsibility of matching a child to the applicant should be on the relinquishing country and not on staff of Queensland Adoption Services, whose role should be to assess applicants as suitable and send the file to the relinquishing country of the applicant's choice and to ensure that the allocation made by the relinquishing country is appropriate given Adoption Services's assessment of the adoptive parents. It should be noted that relinquishing countries do not request files and for many it would be culturally inappropriate to do so. I think Korea is the only country, to my knowledge, that demands a file before it will allow an adoption. Adoption Services has relied on this to claim that there are insufficient children for adoption. This is just not true, and relinquishing countries will and do process and allocate files as they receive them.

I am delighted that, following consultations with intercountry adoption support groups, their concerns were listened to by the minister, Judy Spence, and I congratulate her on that. I congratulate the minister for including a transitional provision in these amendments which will continue the requirement for the date order of applications to be considered when determining the order in which the applicants will be assessed. I congratulate the minister also on the confidence she expressed in her second reading speech that these legislative changes will result in a faster assessment process for prospective adoptive parents.

A decline in local adoptions has been going on for some time. As I said earlier, 1,200 adoptions were approved in Queensland in 1971-72. This number declined to 350 in 1980-81 and a mere nine in 2000-01. With the decline in local adoptions there has been an increasing acceptance of the concept of adopting a child from another country and culture. However, I have been disappointed in Queensland's past responses to this changing phenomenon. In early 1999 we had a six-month freeze on the intercountry adoption process. No files were looked at for six months. It was stated that the processes had to be looked at to improve the system. However, no improvements were made. When intercountry adoptions were resumed, the rate was slower than it was prior to 1999. This has resulted in only 60 overseas adoptions being finalised in Queensland in 1999-2000 and a further decline to 40 in the 2000-01 financial year. Although the number of files being processed each year has reduced since the freeze in early 1990, the number of applicants has increased substantially.

The average waiting time in Queensland for a file to be sent to the applicant's chosen country is between three and four years. It is three years in Western Australia, 12 months in both New South Wales and Victoria, and between four months and 12 months in South Australia, Tasmania, the ACT and the Northern Territory. We have a three- to four-year wait in Queensland, a three-year wait in WA, with the wait in all of the other states not being more than 12 months.

In conclusion, I commend the minister for her assurance that we will now have a faster assessment process in Queensland. I commend the minister for the way she has handled the issue of intercountry adoption and for listening to the support groups. Politicians often get accused of failing to hear, listen and understand community concerns. Minister Spence has shown that she is capable of doing that, for which I congratulate her.

I wish also to indicate my support for the establishment of an expression of interest register and an assessment register to replace the current general children's adoption list. I have no argument at all with the process initiated today for adoptions within this country. All this will do is allow us to catch up in that it will establish a similar system to those in other states. The primary objective of the Adoption of Children Act 1964 is to secure the best possible adoptive placement for children who need adoptive families. Minister Spence is doing that through this legislation. As I said earlier, it is about finding the best families for kids, not kids for families. That must always be the objective, with the needs of children being given precedence.

The fundamental premise of the United Nations Convention on the Rights of the Child, which Australia signed 12 years ago and on which our child protection legislation is based, is that at all times the rights of the child are paramount. When walking out of the chamber at the luncheon recess, I ran into the member for Kurwongbah, who will speak shortly, and we exchanged opinions on adoptions. I said that I always argued that in a lot of cases guardianship is just as good as adoption. The member

for Bulimba asked at what age can somebody be adopted. We have debates about stepchildren adoption and so on. When we re-examine the 1964 legislation as a whole, we might look at that. Ultimately, it is not really about owning a child. People do not own children, they have responsibilities to children. That is the concept we should be underlining.

Guardianship is very important. The law is changing. Ultimately, we will have to move with the times. In relation to the secrecy provisions, I think of all the hours I wasted in this chamber in my first life in parliament trying to talk members opposite into doing something to give children the right to find out where their natural parents were and also giving natural parents the right to find out where their children are—for medical, emotional and other reasons. Of course, this process needed safeguards. It was happening through the back door, but we could not even get a contact register in Queensland when the National Party was in power. We could not get something as fail-safe as a contact register, which would involve the natural parent wanting to find the child and the child wanting to find the natural parent. If they struck gold, they could see each other. We could not even go through that process here. These are the issues that we have faced. There were people in the National Party cabinet who had adopted children, and they thought that they would not want their children to know. That is a disaster because when children find out, it causes serious problems. I think that it is important.

I came to Australia from Greece at the age of 10 to live with my father's uncle. He did not adopt me. I did not go back home for 23 years. I was nearly an old man when I went back at the age of 33 and I had three children. There was no need for me to be adopted. My uncle was my guardian. He could make decisions about things that were important to me. He did not have to own me.

I congratulate the minister. It is important that people get a fair go. This bill reflects that sentiment. I look forward with some enthusiasm to the full review and to us having legislation second to none, even though I may not be a member of this parliament when that occurs. Again, congratulations, Judy.