

Our Reference: CSM03528; CS/06/0293

Mr N Laurie
The Clerk of the Parliament
Legislative Assembly of Queensland
Parliament House
Alice and George Streets
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 15 February 2006 forwarding a copy of a petition tabled in the Parliament on 14 February 2006 concerning the *Adoption of Children Act 1964*.

The 1990 and 1991 amendments to the *Adoption of Children Act 1964*, which provided access to identifying adoption records for the first time, were firmly based on the principle that all adults have the right to know their identity or the identity of their child. The ability to lodge an objection to the release of identifying information and to contact was introduced at the time to redress public concern over the balance between the right to identifying information and the right to privacy. Since 1991, these provisions have allowed more than 14,700 people associated with an adoption that occurred in Queensland to access identifying information about a birth parent or an adopted person. However, as at 30 June 2005, there were 807 people who applied to access identifying information and were prevented from doing so by an objection lodged by another person

I understand that there are conflicting views regarding the sharing of identifying information between adopted people and their birth parents and that this issue can be divisive and emotional. I respect the sincerity of those people who have lodged objections to prevent the release of identifying information and, at the same time, appreciate the anguish experienced by those people who are prevented, by an objection, from accessing information.

I can confirm that we are working to review existing adoption legislation in Queensland to ensure that it is contemporary, child-focused and sensitive to the needs of those people affected by adoption. I wish to advise you that there will however be some delay in the adoption legislation review proceeding. The Queensland Government is awaiting the response of the Commonwealth Government to the recommendations made by the House of Representatives Standing Committee on Family and Human Services in its report, *Overseas Adoption in Australia: Report on the Inquiry into Adoption of Children from Overseas*, before finalising a draft bill of future adoption laws for Queensland.

I will reengage with the stakeholders in the adoption community when the Commonwealth's response to the parliamentary committee's report is known and the adoption legislation review resumes.

The Queensland Government will release any proposals for reform for a four month period of public consultation. This will enable interested people to review the full detail of any proposed laws before they are finalised and introduced into Parliament.

In the petition, reference is made to the fact that the former Department of Families uncovered a small number of objections to contact and disclosure of identifying information that appeared to have been lodged fraudulently. I wish to advise that there has been a review of, and changes to, the administrative practices and forms associated with lodging objections.

In response to advice from the Queensland Ombudsman, the relevant forms have been amended to require a Justice of the Peace (JP) to:

- sight two pieces of identification from the person lodging the objection or application;
- witness the signature of a person completing any objection to, or application for, the release of identifying information or contact; and
- provide his or her JP registration number, which is then checked by the department with the Department of Justice and Attorney-General to verify the person's JP registration.

There have been no known instances of apparently fraudulent objections or applications being lodged in recent years. Any confirmed cases of fraud have been, and will continue to be, dealt with on a case by case basis in consultation with the person or persons affected. As such, the department will not reconsider its decision not to undertake an audit of all objections to contact and the release of identifying information.

Should you require any additional information Di Raeburn, A/Director, Legislation Review Branch, can be contacted on 322 48431.

Yours sincerely

A handwritten signature in black ink that reads "Mike Reynolds". The signature is written in a cursive, flowing style.

HON MIKE REYNOLDS AM MP
Minister for Child Safety