

# Balancing privacy and access:

## Adoption Consultation Feedback Report

*December 2008*



**Queensland  
Government**  
Department of  
**Child Safety**

## Minister's Message

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On 14 July 2008, the Premier, the Honourable Anna Bligh MP and I announced the government's review of the *Adoption of Children Act 1964* would be expanded.

The government released the *Balancing Privacy and Access: Adoption Consultation Paper* which asked people to consider whether current laws continued to appropriately protect the rights and best balance the interests of all parties to Queensland adoptions prior to 1991.

The consultation paper sought public views on the best way to give adopted people and birth parents equal access to information about their history.

Adoption is a very complex and emotional matter and the Bligh Government is committed to reforming the Adoption Act with these sensitivities in mind. 452 submissions were received from individuals and stakeholders. This report details those results and seeks to capture the opinions expressed by many people who have been affected by these laws.

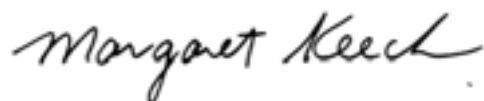
I thank all who contributed their experience through this consultation process. Their personal stories have provided government with a greater understanding of how these laws are impacting on Queenslanders and how the laws can be improved.

While many competing opinions have been documented in this report, a key element of the Bligh Government's *Toward Q2* strategy is to create a fairer Queensland.

Feedback from submissions indicated a fairer balance can be reached between competing interests.

The Bligh Government agrees adoption laws can be made fairer and is considering the responses carefully in the formation of the Adoption Bill.

I trust the results of consultation will be of great interest to many people in the adoption community.



**Margaret Keech MP**  
Minister for Child Safety  
and Minister for Women  
Member for Albert

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# 1. Introduction

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The *Balancing Privacy and Access: Adoption Consultation Paper* was released on 14 July 2008 by the Honourable Anna Bligh MP, Premier of Queensland, and the Honourable Margaret Keech MP, Minister for Child Safety and Minister for Women. The consultation paper sought information from Queenslanders on their experience of adoption to help the Queensland Government understand how different people view current adoption laws and what they think about the need for new laws.

The consultation paper sought feedback through seven questions prompting responses on the operation of laws that allow adopted people and birth parents to access identifying adoption information and, for adoptions that occurred before 1 June 1991, to lodge objections to prevent identifying information from being released.

Specifically, the consultation paper asked for the views on the best way new laws may achieve a fairer balance and give adopted people and birth parents equal access to information about their history while respecting the privacy of those who do not want to be contacted.

## 1.1 Consultation Process

Consultation occurred over a 10-week period, beginning with the release of the *Balancing Privacy and Access: Adoption Consultation Paper* on 14 July 2008 and closing on 19 September 2008. Significant newspaper, radio and television coverage of adoption issues occurred as well as paid advertisements announcing the consultation period and availability of the consultation paper.

Written advice of the commencement of the consultation and the consultation paper was forwarded to adoption stakeholder groups and support groups, current prospective adoptive parents, families of adopted children under 18 years of age participating in the voluntary exchange of non-identifying correspondence facilitated by the Department, and a range of community groups and government agencies with an interest or role in adoption.

The *Balancing Privacy and Access: Adoption Consultation Paper* and feedback booklet were mailed to people upon request. The consultation paper and feedback form were also made available on the Department of Child Safety's website ([www.childsafety.qld.gov.au](http://www.childsafety.qld.gov.au)) and the ConsultQld website ([www.getinvolved.qld.gov.au](http://www.getinvolved.qld.gov.au)).

People were able to respond online on the ConsultQld website or by returning a feedback form or submission to the Department by mail.

## 1.2 Consultation Response

Feedback was received from 452 sources. These comprised 13 submissions from organisations, 439 submissions from individuals (184 submitted online, 255 submitted in hardcopy). Of those submissions, 422 were provided through consultation feedback forms and 17 were written submissions from individuals.

Of the 439 submissions from individuals received, 52 responses were from people who did not provide their name. Privacy was their overriding concern. The feedback received from these people appeared genuine and raised important issues so was

included in the analysis. There was no evidence of individuals submitting more than one response.

Of the 157 people adopted in Queensland who provided feedback, 156 were adopted prior to 1 June 1991.

Of the 439 people who provided feedback:

- 181 were adopted people (41 percent)
- 91 were birth parents (21 percent)
- 56 were adoptive parents (13 percent)
- 36 were a relative of an adopted person, other than a birth parent or adoptive parent (8 percent)
- 28 had another interest in adoption (6 percent), and
- 47 people did not indicate their association with adoption (11 percent).

Of the 439 people who provided feedback, 242 are directly affected by part 4A of the *Adoption of Children Act 1964*. Those directly affected by part 4A include\*:

- 91 people who had received identifying information
- 71 people who had been refused identifying information
- 60 people who had lodged an objection to the release of identifying information, and
- 6 people who had revoked an objection.

\*total may equal more or less than 100 percent as one individual may not have received or been refused identifying information or lodged or revoked an objection or may have lodged and revoked an objection prior to receiving identifying information.

A summary of the demographics of the individuals who provided feedback is provided in *Appendix One*.

Submissions were received from 13 organisations, comprising:

- Aboriginal and Torres Strait Islander Legal Service
- Adoption Privacy Protection Group
- Australian Association of Social Workers (Queensland Branch)
- Australian Council for Adoption
- CREATE Foundation
- Family Voice Australia
- Jigsaw Queensland Inc
- Link-Up Aboriginal Corporation Inc
- Monash University
- National Alliance of Natural Parent Groups
- New South Wales Committee on Adoption and Permanent Care
- Origins Inc (Queensland)
- Queensland Law Society.

A summary of the issues raised in each organisation's submission is provided in *Appendix Two*.

## 2. Important messages from feedback

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### ***Reference to majority views***

A view is reported as being held by the majority only where it was expressed by more than 50 percent of people who answered a particular question.

### **2.1 Views about the need for change**

Feedback from the *Balancing Privacy and Access: Adoption Consultation Paper* generally supported the proposals for reform. The level of support for reform, however, was not overwhelming.

Responses indicated that, while granting adopted people greater access to identifying information was generally supported (by not allowing information objections to continue to be lodged, changing information objections to contact objections, requiring people to attend counselling and sign a legally enforceable undertaking before obtaining information about a person with an objection in place), there was uncertainty about the best way in which reform could be achieved. Stakeholders were aware of the sensitivities associated with changing these laws, and unsure whether safeguards in place in other Australian states and territories would serve the interests of parties to adoptions that occurred before 1 June 1991 in Queensland.

Greater support was provided for proposals to:

- refuse access to identifying information where it would be a safety risk
- recognise birth fathers who did not consent to their child's adoption where there was evidence to corroborate paternity, and
- enable the Department to contact adopted people and birth parents to ask for, or pass on, up-to-date family medical information when an objection prevented contact between parties.

### **2.2 How to implement change**

The majority of organisations and individuals who provided feedback indicated the release of identifying information (by removing adopted people and birth parents' right to object to identifying information about themselves being released to another party) could only be responsibly implemented if adequate professional support services were provided. The belief was that support services would ensure vulnerable people were treated sensitively during the transition and those who felt adversely affected by changed laws would be able to obtain information and help to assist them deal with any possible trauma.

Evidence from Queensland and other jurisdiction's experience of 'contact only' objections demonstrates that legally enforceable undertakings are effective in preventing unwanted contact. However, a number of individuals' responses indicated they did not believe, or were unsure, whether contact objections would be effective. These individuals expressed fear of contact, and described the embarrassment, humiliation and negative outcome they believed would eventuate for them and other parties should unwanted contact result in people learning of the adoption.

### *People who may feel adversely affected by changed laws*

As at 30 June 2008, 2,769 people affected by adoption orders made before 1 June 1991 in Queensland had an objection to the disclosure of identifying information in place. Feedback was received from 36 adopted people and 24 birth parents who had a current objection to contact and the disclosure of identifying information in place.

The majority of the 24 birth parents who had lodged an objection expressed concern or fear at the prospect of identifying information being released to the adopted person. A small number of birth mothers, who were the victims of rape or incest and had never told anyone about the child's birth, stated that the prospect of identifying information being made available to another party to the adoption had caused them significant distress, resulting in sleeplessness, weight loss, depressive episodes and/or suicidal thoughts.

Responses, relating to a birth mother and an adopted person with information objections in place, contained aggressive comments and threatened violence against the other party to the adoption and/or staff of the Department of Child Safety if information was released. One adoptive parent's response detailed the negative effect, including a suicide attempt, an information objection had on her adoptive daughter. A small number of adopted people described the negative effect an objection had had on their wellbeing, with one person describing the severely debilitating effect it had on the person's physical and mental health and interpersonal relationships.

This small sample indicates it is likely there will be a number of vulnerable people, particularly birth mothers, who will need to be treated sensitively during any transition and be provided with professional support to deal with any trauma. In addition, it is likely some adopted people will feel adversely affected by any change to laws or may experience further negative effects if contact objections continue.

### *Professional post-adoption services*

Feedback called for professional post-adoption services to be provided in Queensland. Submissions suggested a well resourced, professional post-adoption service would increase community confidence that introduced laws were being responsibly implemented and would promote the exercise of caution and respect. Responses indicated this would be a tangible demonstration of the government's commitment to ensuring people's privacy needs were sensitively met if the law changed. It would also demonstrate the government's commitment to supporting people, when information was being provided to another party, or in the rare event a negative consequence resulted from the release of identifying information.

## **2.3 Replacing objections to contact with statements of contact preferences**

Feedback suggested that, rather than amending the objection provisions in current legislation, a new legislative framework, providing access to identifying information and privacy safeguards, is developed. A framework that enabled people to register their preferences about contact, specify arrangements that suited their individual circumstances and access professional support and mediation was frequently recommended by individuals and organisations.

Responses suggested a new legislative framework would enable existing terms with negative connotations, such as 'objection to contact', to be replaced with more positive and mutually respectful terms, such as statement of contact preferences. It would also minimise confusion if new laws were introduced by ensuring new provisions could be clearly distinguished from the repealed laws.

Feedback also proposed that a new framework could be responsive to people's individual circumstances if it enabled people to register a 'statement of contact preferences' and required the Department to offer people support to communicate, negotiate and action their contact preferences, including preferences such as:

- no contact at this time
- letter, email or telephone only contact
- a 'one off' mediated meeting on 'first name only' basis supported by a professional counsellor in a neutral venue
- a planned gradual release of information before a contact decision is made, and/or
- full information release and contact plan.

## **2.4 Sensitivities associated with requiring objections to be renewed**

Although majority support for the renewal of contact objections was provided in response to question three on the consultation paper, the views of people with information objections in place who did not believe information objections should be changed to contact only objections was provided in response to question two.

Feedback from people who currently had information objections in place showed concern for privacy not being safeguarded if objections had to be renewed. Of the 48 people with information objections in place who answered question two, 37 thought these objections should not have to be renewed and were critical of the proposal suggesting this. Comments indicated:

- receiving mail relating to renewing an objection from the Department would be intrusive
- a lack of trust in the Department to send reminders or register a renewal of an objection in time to prevent the release of information
- fear that mail relating to renewing an objection would be opened in error by family members unaware of the objection, and
- information should not be released when parties are too old or infirm to renew an objection.

## **2.5 Release of information concerning fathers where paternity has not been acknowledged or cannot be proven**

The majority of people who provided feedback to the consultation paper thought the law should be changed to recognise a man who did not consent to his child's adoption as the birth father of the adopted person if:

- there was evidence in the Department of Child Safety's records to show he acknowledged paternity at the time of the adopted person's birth or adoption
- he was recorded as the father on the adopted person's original birth certificate held by the Registry of Births, Deaths and Marriages
- he was able to provide some other evidence that he was the adopted person's father.

However, feedback also indicated 14 individuals particularly believed information about men named as an adopted person's birth father in the Department's records should be released even if there was no evidence of their paternity.

### 3. Balancing Privacy and Access: Consultation Report

#### Question 1

Do you believe the Act currently achieves a fair balance between the interests of:

- adopted people and birth parents who would like to obtain information about their identity, the identity of birth parents or the identity, after adoption, of their children, and
- adopted people and birth parents who want to maintain their privacy and do not wish to be contacted by someone else associated with the same adoption?

#### Overall response

Response	Total	All adopted people	All birth parents	All adoptive parents	Other relative of adopted person	Another interest in adoption	Did not indicate
Total	<b>321</b>	137	72	48	21	20	23
Yes	<b>72 (23%)</b>	23 (32%)	19 (26%)	25 (35%)	1 (1%)	2 (3%)	2 (3%)
No	<b>209 (65%)</b>	99 (47%)	43 (21%)	16 (8%)	19 (9%)	15 (7%)	17 (8%)
Unsure	<b>40 (12%)</b>	15 (37.5%)	10 (25%)	7 (17.5%)	1 (2.5%)	3 (7.5%)	4 (10%)

#### Responses from people associated with Queensland adoptions

Response	Total	People adopted in Queensland	Birth parents whose children were adopted in Queensland	Adoptive parents who adopted children in Queensland
Total	<b>219</b>	120	53	46
Yes	<b>66 (30%)</b>	23 (35%)	18 (27%)	25 (38%)
No	<b>126 (58%)</b>	84 (67%)	27 (21%)	15 (12%)
Unsure	<b>27 (12%)</b>	13 (48%)	8 (30%)	6 (22%)

#### Responses from people directly affected by part 4A of the current *Adoption of Children Act 1964*

Response	People who have received identifying information			People who have been refused identifying information			People who have lodged information objections		
	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents
Total	<b>66</b>	50	16	<b>56</b>	41	15	<b>50</b>	29	21
Yes	<b>4 (6%)</b>	4 (8%)	0	<b>2 (4%)</b>	1 (2%)	1 (6.5%)	<b>32 (64%)</b>	18 (62%)	14 (66%)
No	<b>54 (82%)</b>	39 (78%)	15 (94%)	<b>50 (89%)</b>	37 (90%)	13 (87%)	<b>8 (16%)</b>	6 (21%)	2 (10%)
Unsure	<b>8 (12%)</b>	7 (14%)	1 (6%)	<b>4 (7%)</b>	3 (7%)	1 (6.5%)	<b>10 (20%)</b>	5 (17%)	5 (24%)

## Summary of Comments

Comments and views expressed, included:

- all adopted people should have an unqualified right to information about their birth identity and heritage
- birth parents and adopted people were equally entitled to obtain identifying information
- society had changed and people's fears about negative reactions from others, while real, were likely to be unfounded, and
- the views of people who did not want identifying information to be released should be respected.

*"Why should only one party have all the rights? There are so many unanswered questions. There is a void inside me."*

*"A lot of birth mothers wish to remain anonymous and this request should be respected."*

*"If the law is changed it will make a huge difference to me ... I will not be shrouded by forced secrecy."*

**Question 2:**

a. Do you believe an adopted person or birth parent should be allowed to continue to lodge an objection that prevents information that identifies them from being given to another person who is associated with the same adoption?

b. If yes, do you think objections that prevent identifying information from being released should:

- have to be renewed on a regular basis, for example every 5 years?
- expire when the person who lodged the objection dies?

**Overall response**

Response	Total	All adopted people	All birth parents	All adoptive parents	Other relative of adopted person	Another interest in adoption	Did not indicate
a. Do you believe an adopted person or birth parent should be allowed to continue to lodge an objection that prevents information that identifies them from being given to another person who is associated with the same adoption?							
Total	<b>321</b>	139	71	48	21	20	22
Yes	<b>127 (40%)</b>	49 (39%)	30 (24%)	35 (27%)	2 (1%)	5 (4%)	6 (5%)
No	<b>178 (55%)</b>	85 (48%)	40 (23%)	11 (6%)	19 (11%)	15 (8%)	8 (4%)
Unsure	<b>16 (5%)</b>	5 (31%)	1 (6%)	2 (13%)	0	0	8 (50%)
b. If yes, do you think objections that prevent identifying information from being released should have to be renewed on a regular basis, for example every 5 years?							
Total	<b>230</b>	97	59	40	12	10	12
Yes	<b>90 (39%)</b>	43 (48%)	17 (19%)	9 (10%)	2 (2%)	8 (9%)	11 (12%)
No	<b>72 (31%)</b>	24 (33%)	20 (28%)	20 (29%)	7 (10%)	0	0
Unsure	<b>68 (30%)</b>	30 (44%)	22 (32%)	10 (15%)	3 (4%)	2 (3%)	1 (2%)
b. If yes, do you think objections that prevent identifying information from being released should expire when the person who lodged the objection dies?							
Total	<b>247</b>	105	60	39	12	11	20
Yes	<b>114 (46%)</b>	48 (42%)	22 (20%)	14 (12%)	8 (7%)	7 (6%)	15 (13%)
No	<b>55 (22%)</b>	22 (40%)	16 (29%)	10 (18%)	1 (2%)	1 (2%)	5 (9%)
Unsure	<b>78 (32%)</b>	35 (45%)	22 (28%)	15 (19%)	3 (4%)	3 (4%)	0

## Responses from people associated with Queensland adoptions

Response	Total	People adopted in Queensland	Birth parents whose children were adopted in Queensland	Adoptive parents who adopted children in Queensland
a. Do you believe an adopted person or birth parent should be allowed to continue to lodge an objection that prevents information that identifies them from being given to another person who is associated with the same adoption?				
Total	<b>217</b>	121	52	44
Yes	<b>108 (50%)</b>	47 (40%)	27 (52%)	34 (77%)
No	<b>102 (47%)</b>	70 (58%)	24 (46%)	8 (18%)
Unsure	<b>7 (3%)</b>	4 (2%)	1 (2%)	2 (5%)
b. If yes, do you think objections that prevent identifying information from being released should have to be renewed on a regular basis, for example every 5 years?				
Total	<b>171</b>	91	42	38
Yes	<b>58 (34%)</b>	38 (42%)	11 (26%)	9 (24%)
No	<b>63 (37%)</b>	24 (26%)	19 (45%)	20 (53%)
Unsure	<b>50 (29%)</b>	29 (32%)	12 (29%)	9 (23%)
b. If yes, do you think objections that prevent identifying information from being released should expire when the person who lodged the objection dies?				
Total	<b>178</b>	96	45	37
Yes	<b>73 (41%)</b>	42 (44%)	17 (38%)	14 (38%)
No	<b>45 (25%)</b>	21 (22%)	14 (31%)	10 (27%)
Unsure	<b>60 (34%)</b>	33 (34%)	14 (31%)	13 (35%)

**Responses from people directly affected by part 4A of the current *Adoption of Children Act 1964***

Response	People who have received identifying information			People who have been refused identifying information			People who have lodged information objections		
	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents
a. Do you believe an adopted person or birth parent should be allowed to continue to lodge an objection that prevents information that identifies them from being given to another person who is associated with the same adoption?									
Total	<b>67</b>	51	16	<b>56</b>	41	15	<b>49</b>	29	20
Yes	<b>17 (25%)</b>	14 (27%)	3 (19%)	<b>5 (9%)</b>	3 (7%)	2 (13%)	<b>47 (96%)</b>	27 (93%)	20 (100%)
No	<b>49 (73%)</b>	36 (81%)	13 (81%)	<b>49 (87%)</b>	37 (90%)	12 (80%)	<b>2 (4%)</b>	2 (7%)	0
Unsure	<b>1 (2%)</b>	1 (2%)	0	<b>2 (4%)</b>	1 (3%)	1 (7%)	<b>0</b>	0	0
b. If yes, do you think objections that prevent identifying information from being released should: <ul style="list-style-type: none"> <li>• have to be renewed on a regular basis, for example every 5 years?</li> </ul>									
Total	<b>47</b>	36	11	<b>36</b>	27	9	<b>48</b>	27	21
Yes	<b>24 (51%)</b>	21 (59%)	3 (27%)	<b>13 (36%)</b>	10 (37%)	3 (33%)	<b>8 (17%)</b>	6 (22%)	2 (10%)
No	<b>5 (11%)</b>	3 (8%)	2 (18%)	<b>3 (8%)</b>	2 (7%)	1 (1%)	<b>37 (77%)</b>	20 (74%)	17 (80%)
Unsure	<b>18 (38%)</b>	12 (33%)	6 (55%)	<b>20 (56%)</b>	15 (56%)	5 (56%)	<b>3 (6%)</b>	1 (4%)	2 (10%)
c. expire when the person who lodged the objection dies?									
Total	<b>49</b>	37	12	<b>41</b>	30	11	<b>48</b>	27	21
Yes	<b>25 (51%)</b>	21 (57%)	4 (33%)	<b>16 (39%)</b>	13 (43%)	3 (27%)	<b>15 (31%)</b>	7 (26%)	8 (38%)
No	<b>4 (8%)</b>	3 (8%)	1 (8%)	<b>3 (7%)</b>	2 (7%)	1 (9%)	<b>30 (63%)</b>	18 (67%)	12 (57%)
Unsure	<b>20 (41%)</b>	13 (35%)	7 (59%)	<b>22 (54%)</b>	15 (50%)	7 (64%)	<b>3 (6%)</b>	2 (7%)	1 (5%)

**Summary of Comments**

Many people subject to an objection commented they understood why another party to an adoption may lodge an information objection.

Some of those who had been refused identifying information because an objection was in place said they felt:

- inferior or second class citizens
- hurt, rejected, angry, long lasting grief and sadness
- incomplete, they had 'pieces missing'
- frustrated by being unable to access genetic and medical information

- frustrated that they had been denied the opportunity to explain the circumstances of the adoption to their child, and
- there was an assumption they would intrude on the other person's life when they were willing to respect the person's privacy.

Adopted people and birth parents who had lodged an information objection commented they understood why another party to the adoption may want information about them or to contact them but did not believe the other party should have a right to obtain identifying information or make contact.

Some of those who had lodged information objections, in answering this question, commented they:

- “did not hold a grudge about being adopted” but wanted the right to privacy
- lodged the objection because they ‘could not cope’ with contact at that time
- were assured of the right to privacy when the adoption order was made
- were fearful of unknown people ‘turning up’ on their doorstep
- risked losing their spouse or family who did not know about the adoption if identifying information was given out, and
- lodged the objection because they could not bear to be reminded of the distressing circumstances surrounding the adoption.

*“I believe in 2008 one should be permitted to contact any person over 18. Do away with the secrecy.”*

*“The right to knowledge about one’s personal origins ought to be virtually unconditional.”*

*“People should be entitled to identifying information, for an Aboriginal or Torres Strait Islander person this could be the only clue to which mob a person is connected.”*

*“People need protection, particularly those who believed their adoption would always remain confidential.”*

People answering questions regarding renewal and expiry of objections commented:

- denying a person access to identifying information in perpetuity was particularly harsh and not in the interests of an adopted person
- after the death of the objector, the interests of the living should have precedence, and
- they would be denied peace of mind in their old age if identifying information about them could be released after their death.

*“Upon the death of the objecting person, it is reasonable to suggest the rights of the living parties to the adoption be considered.”*

*“I thought I could go to my grave with my untold secret. I can’t begin to imagine what destruction it would bring about in my family.”*

*“I strongly believe my birth mother’s objection should be cancelled upon her death and all information ... given to me ... so I may have a chance of finding and connecting with any living blood relatives regardless of whether they knew of the adoption or not.”*

**Question 3:**

- a. Do you believe the law should be changed so that all existing objections that prevent identifying information from being released are changed into objections to being contacted only?
- b. If yes, do you think objections to being contacted should have to be renewed on a regular basis, for example every 5 years?
- c. If the law is changed in this way, do you believe people who receive identifying adoption information about a person who has an objection to contact in place will respect the person's privacy and not attempt to contact them?

**Overall response**

Response	Total	All adopted people	All birth parents	All adoptive parents	Other relative of adopted person	Another interest in adoption	Did not indicate
a. Do you believe the law should be changed so that all existing objections that prevent identifying information from being released are changed into objections to being contacted only?							
Total	<b>322</b>	138	72	48	21	20	23
Yes	<b>184 (57%)</b>	90 (65%)	38 (53%)	16 (33%)	14 (67%)	15 (75%)	11 (48%)
No	<b>114 (35%)</b>	38 (28%)	31 (43%)	30 (63%)	6 (29%)	3 (15%)	6 (26%)
Unsure	<b>24 (8%)</b>	10 (7%)	3 (4%)	2 (4%)	1 (4%)	2 (10%)	6 (26%)
b. If yes, do you think objections to being contacted should have to be renewed on a regular basis, for example every 5 years?							
Total	<b>271</b>	121	63	33	16	19	19
Yes	<b>165 (61%)</b>	82 (68%)	36 (57%)	14 (43%)	14 (88%)	16 (84%)	3 (16%)
No	<b>52 (19%)</b>	19 (16%)	12 (19%)	7 (21%)	1 (6%)	2 (11%)	11 (58%)
Unsure	<b>54 (20%)</b>	20 (16%)	15 (24%)	12 (36%)	1 (6%)	1 (5%)	5 (26%)
c. If the law is changed in this way, do you believe people who receive identifying adoption information about a person who has an objection to contact in place will respect the person's privacy and not attempt to contact them?							
Total	<b>322</b>	138	72	49	21	20	22
Yes	<b>151 (47%)</b>	72 (52%)	33 (46%)	12 (25%)	15 (72%)	15 (75%)	4 (18%)
No	<b>94 (29%)</b>	34 (25%)	23 (32%)	28 (57%)	3 (14%)	2 (10%)	4 (18%)
Unsure	<b>77 (24%)</b>	32 (23%)	16 (22%)	9 (18%)	3 (14%)	3 (15%)	14 (64%)

## Responses from people associated with Queensland adoptions

Response	Total	People adopted in Queensland	Birth parents whose children were adopted in Queensland	Adoptive parents who adopted children in Queensland
a. Do you believe the law should be changed so that all existing objections that prevent identifying information from being released are changed into objections to being contacted only?				
Total	<b>218</b>	121	53	44
Yes	<b>115 (53%)</b>	77 (64%)	24 (45%)	14 (32%)
No	<b>93 (43%)</b>	37 (31%)	28 (53%)	28 (64%)
Unsure	<b>10 (4%)</b>	7 (5%)	1 (2%)	2 (4%)
b. If yes, do you think objections to being contacted should have to be renewed on a regular basis, for example every 5 years?				
Total	<b>180</b>	105	45	30
Yes	<b>105 (58%)</b>	69 (66%)	23 (51%)	13 (44%)
No	<b>35 (20%)</b>	17 (16%)	11(24.5%)	7 (23%)
Unsure	<b>40 (22%)</b>	19 (18%)	11 (24.5%)	10 (33%)
c. If the law is changed in this way, do you believe people who receive identifying adoption information about a person who has an objection to contact in place will respect the person's privacy and not attempt to contact them?				
Total	<b>218</b>	121	53	44
Yes	<b>96 (44%)</b>	63 (52%)	24 (45%)	9 (20.5%)
No	<b>78 (36%)</b>	33 (27%)	19 (36%)	26 (59%)
Unsure	<b>44 (20%)</b>	25 (21%)	10 (19%)	9 (20.5%)

**Responses from people directly affected by part 4A of the current *Adoption of Children Act 1964***

Response	People who have received identifying information			People who have been refused identifying information			People who have lodged information objections		
	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents
a. Do you believe the law should be changed so that all existing objections that prevent identifying information from being released are changed into objections to being contacted only?									
Total	68	52	16	56	41	15	50	29	21
Yes	51 (75%)	39 (75%)	12 (75%)	44 (79%)	34 (83%)	10 (67%)	3 (6%)	2 (7%)	1 (5%)
No	13 (19%)	9 (17%)	4 (25%)	9 (16%)	4 (10%)	5 (33%)	47 (94%)	27 (93%)	20 (95%)
Unsure	4 (6%)	4 (8%)	0	3 (5%)	3 (7%)	0	0	0	0
b. If yes, do you think objections to being contacted should have to be renewed on a regular basis, for example every 5 years?									
Total	62	47	15	54	42	12	37	20	17
Yes	45 (73%)	34 (72%)	11 (74%)	45 (83%)	35 (83%)	10 (84%)	3 (8%)	2 (10%)	1 (6%)
No	9 (15%)	7 (15%)	2 (13%)	3 (6%)	2 (5%)	1 (8%)	17 (46%)	8 (40%)	9 (53%)
Unsure	8 (12%)	6 (13%)	2 (13%)	6 (11%)	5 (12%)	1 (8%)	17 (46%)	10 (50%)	7 (41%)
c. If the law is changed in this way, do you believe people who receive identifying adoption information about a person who has an objection to contact in place will respect the person's privacy and not attempt to contact them?									
Total	57	41	16	56	41	15	47	29	18
Yes	45 (78%)	34 (83%)	11 (69%)	46 (92%)	35 (85%)	11 (73%)	3 (6%)	1 (3%)	2 (11%)
No	6 (11%)	4 (10%)	2 (12%)	2 (4%)	1 (3%)	1 (7%)	39 (83%)	24 (83%)	15 (83%)
Unsure	6 (11%)	3 (7%)	3 (19%)	8 (14%)	5 (12%)	3 (20%)	5 (11%)	4 (14%)	1 (6%)

**Summary of Comments**

People who thought information objections should be changed to objections to contact only, commented people were entitled to information and, as responsible adults, were capable of respecting another person's wish not to have contact. In their feedback they said one person's right to identifying information was as important as another person's right to privacy.

People who did not think information objections should be changed to objections to contact only, commented they wanted their identifying information to be kept confidential from the other party to the adoption. They also commented they feared someone would arrive unannounced on their doorstep and that contact objections would only be effective if they also prevented the other party from contacting their family or friends and from publishing information about their adoptive relationship.

*“People should not be made to wonder for the rest of their lives about their heritage or their child.”*

*“Giving information of a nature that leads to even the possibility of contact being achievable is just unfair, unjust and irresponsible.”*

*“Change the word ‘objections’ ... start off with (exchanging) non-identifying information and slowly but surely identifying information will just fall into place.”*

*“I do not believe that any of the objections can be ‘automatically’ switched to contact only objections or upheld any further without verification being performed upon the original documents.”*

People who answered part c of this question generally expressed a commitment to respecting others’ privacy but some identified that a number of individuals may find this difficult.

*“How can we predict how people will act? However, I do believe in the main that people will respect the privacy of others.”*

*“I do not believe any law or threat of imprisonment or fine would deter someone set on locating their child/birth parent.”*

*“I believe that any person involved in adoption would be sensitive to the wishes and circumstances of the other party.”*

*“If there is an objection to contact in place, I absolutely would not attempt to make contact. I believe that my birth mother has the right, as I do, to maintain her privacy.”*

**Question 4:**

- a. If information that identifies a person with a contact objection is to be given to another person, do you think the person who is to receive identifying information should first have to:
- attend an interview with a counsellor or the Department of Child Safety?
  - sign a legally enforceable undertaking stating they have been told the person who lodged the objection does not want to be contacted and that they agree not to contact the person?
- b. Are there other measures that are necessary to safeguard the privacy of people who have lodged contact objections if information about their identity is to be given to other people associated with the same adoption?

**Overall response**

Response	Total	All adopted people	All birth parents	All adoptive parents	Other relative of adopted person	Another interest in adoption	Did not indicate
<p>a. If information that identifies a person with a contact objection is to be given to another person, do you think the person who is to receive identifying information should first have to:</p> <ul style="list-style-type: none"> <li>• attend an interview with a counsellor or the Department of Child Safety?</li> </ul>							
<b>Total</b>	<b>318</b>	138	70	46	21	20	23
<b>Yes</b>	<b>174 (55%)</b>	74 (54%)	34 (49%)	32 (70%)	7 (33%)	12 (60%)	15 (65%)
<b>No</b>	<b>81 (25%)</b>	34 (25%)	20 (29%)	7 (15%)	9 (43%)	6 (30%)	5 (22%)
<b>Unsure</b>	<b>63 (20%)</b>	30 (21%)	16 (22%)	7 (15%)	5 (24%)	2 (10%)	3 (13%)
<ul style="list-style-type: none"> <li>• sign a legally enforceable undertaking stating they have been told the person who lodged the objection does not want to be contacted and that they agree not to contact the person?</li> </ul>							
<b>Total</b>	<b>318</b>	138	70	46	21	20	23
<b>Yes</b>	<b>158 (50%)</b>	66 (48%)	35 (50%)	34 (74%)	3 (14%)	9 (45%)	11 (48%)
<b>No</b>	<b>98 (31%)</b>	38 (28%)	26 (37%)	5 (11%)	10 (48%)	8 (40%)	11 (48%)
<b>Unsure</b>	<b>62 (19%)</b>	34 (24%)	9 (13%)	7 (15%)	8 (38%)	3 (5%)	1 (4%)
<p>b. Are there other measures that are necessary to safeguard the privacy of people who have lodged contact objections if information about their identity is to be given to other people associated with the same adoption?</p>							
<b>Total</b>	<b>318</b>	138	70	46	21	20	23
<b>Yes</b>	<b>62 (19%)</b>	19 (14%)	19 (27%)	13 (28%)	1 (4%)	2 (10%)	8 (35%)
<b>No</b>	<b>110 (35%)</b>	49 (35%)	23 (33%)	6 (13%)	10 (48%)	10 (50%)	12 (52%)
<b>Unsure</b>	<b>146 (46%)</b>	70 (51%)	28 (40%)	27 (59%)	10 (48%)	8 (40%)	3 (13%)

## Responses from people associated with Queensland adoptions

Response	Total	People adopted in Queensland	Birth parents whose children were adopted in Queensland	Adoptive parents who adopted children in Queensland
a. If information that identifies a person with a contact objection is to be given to another person, do you think the person who is to receive identifying information should first have to: <ul style="list-style-type: none"> <li>attend an interview with a counsellor or the Department of Child Safety?</li> </ul>				
<b>Total</b>	<b>214</b>	121	51	42
<b>Yes</b>	<b>115 (54%)</b>	61 (50%)	25 (49%)	29 (69%)
<b>No</b>	<b>51 (24%)</b>	31 (27%)	13 (24.5%)	7 (17%)
<b>Unsure</b>	<b>48 (22%)</b>	29 (23%)	13 (24.5%)	6 (14%)
<ul style="list-style-type: none"> <li>sign a legally enforceable undertaking stating they have been told the person who lodged the objection does not want to be contacted and that they agree not to contact the person?</li> </ul>				
<b>Total</b>	<b>214</b>	121	51	42
<b>Yes</b>	<b>122 (57%)</b>	62 (51%)	29 (57%)	31 (74%)
<b>No</b>	<b>51 (24%)</b>	28 (23%)	18 (35%)	5 (12%)
<b>Unsure</b>	<b>41 (19%)</b>	31 (26%)	4 (8%)	6 (14%)
b. Are there other measures that are necessary to safeguard the privacy of people who have lodged contact objections if information about their identity is to be given to other people associated with the same adoption?				
<b>Total</b>	<b>214</b>	121	51	42
<b>Yes</b>	<b>45 (21%)</b>	18 (15%)	15 (30%)	12 (29%)
<b>No</b>	<b>62 (29%)</b>	39 (32%)	17 (33%)	6 (14%)
<b>Unsure</b>	<b>107 (50%)</b>	64 (53%)	19 (37%)	24 (57%)

**Responses from people directly affected by part 4A of the current *Adoption of Children Act 1964***

Response	People who have received identifying information			People who have been refused identifying information			People who have lodged information objections		
	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents
a. If information that identifies a person with a contact objection is to be given to another person, do you think the person who is to receive identifying information should first have to:									
<ul style="list-style-type: none"> <li>attend an interview with a counsellor or the Department of Child Safety?</li> </ul>									
<b>Total</b>	<b>68</b>	52	16	<b>56</b>	41	15	<b>48</b>	29	19
<b>Yes</b>	<b>39 (57%)</b>	31 (60%)	8 (50%)	<b>23 (41%)</b>	18 (44%)	5 (33%)	<b>28 (58%)</b>	16 (55%)	12 (63%)
<b>No</b>	<b>18 (27%)</b>	11 (21%)	7 (43%)	<b>17 (30%)</b>	11 (27%)	6 (40%)	<b>4 (8%)</b>	3 (10%)	1 (5%)
<b>Unsure</b>	<b>11 (16%)</b>	10 (19%)	1 (7%)	<b>16 (29%)</b>	12 (29%)	4 (27%)	<b>16 (34%)</b>	10 (35%)	6 (32%)
<ul style="list-style-type: none"> <li>sign a legally enforceable undertaking stating they have been told the person who lodged the objection does not want to be contacted and that they agree not to contact the person?</li> </ul>									
<b>Total</b>	<b>68</b>	52	16	<b>56</b>	41	15	<b>48</b>	29	19
<b>Yes</b>	<b>32 (47%)</b>	27 (52%)	5 (31%)	<b>19 (34%)</b>	16 (39%)	3 (20%)	<b>36 (75%)</b>	18 (62%)	18 (95%)
<b>No</b>	<b>25 (37%)</b>	14 (27%)	11 (69%)	<b>20 (36%)</b>	11 (27%)	9 (60%)	<b>2 (4%)</b>	2 (7%)	0
<b>Unsure</b>	<b>11 (16%)</b>	11 (21%)	0	<b>17 (30%)</b>	14 (34%)	3 (20%)	<b>10 (21%)</b>	9 (31%)	1 (5%)
b. Are there other measures that are necessary to safeguard the privacy of people who have lodged contact objections if information about their identity is to be given to other people associated with the same adoption?									
<b>Total</b>	<b>68</b>	52	16	<b>56</b>	41	15	<b>48</b>	29	19
<b>Yes</b>	<b>11 (16%)</b>	7 (14%)	4 (25%)	<b>5 (9%)</b>	3 (7%)	2 (13%)	<b>19 (40%)</b>	11 (38%)	8 (42%)
<b>No</b>	<b>28 (41%)</b>	20 (38%)	8 (50%)	<b>22 (39%)</b>	14 (34%)	8 (53%)	<b>6 (12%)</b>	3 (10%)	3 (16%)
<b>Unsure</b>	<b>29 (43%)</b>	25 (48%)	4 (25%)	<b>29 (52%)</b>	24 (59%)	5 (34%)	<b>23 (48%)</b>	15 (52%)	8 (42%)

**Summary of Comments**

Some people who answered this question commented that the purpose of an interview should be to provide support and that people seeking information and people objecting to contact should be offered counselling and support. In addition, responses suggested that to responsibly address the interests of people wanting to access identifying information and the interests of people who object to contact, it was necessary to ensure professional support was available to any party who required it before and after information was released and during contact.

*“I think it would be a good idea to have a session with a counsellor, but this may not need to be face-to-face.”*

*“The need for counselling is a very personal matter ... to force counselling on adoptees is yet another example of taking away their right to autonomy ... let’s not forget that the people who ... this archaic law affects are all ... legal independent adults.”*

*“I think that counselling could be really beneficial in this situation.”*

People who answered this question who opposed the signing of an undertaking commented that they felt it would be insulting and assumed adopted people and birth parents could not be trusted to behave responsibly.

Many commented that adults had the right to say they did not want to be contacted by another person/s and have this request respected. Many also commented that there was no need for adoption specific laws regarding contact when other laws were in place to protect people from unwanted contact.

People with information objections in place and a number of other stakeholders expressed concern that changing information objections to contact only objections would not protect their privacy or prevent unwanted contact. They also commented legally ‘enforcing’ an undertaking would cause the very people the person with the objection in place did not want to know of the adoption, to find out about it (i.e. their current spouse and children to their marriage).

*“I believe (signing an undertaking) would be humiliating and offensive. No one else in our society has to sign such an undertaking to find out about themselves or their heritage.”*

*“I would agree to sign a legally enforceable document to not make contact.”*

*“A legally enforceable undertaking signed at the time in good faith may not be worth the paper it is written on, should the person have no respect.”*

Comments indicated that, to effectively meet people’s needs, a legal framework, which enabled information to be released and contact objections to be lodged, would need to be supported by professional post adoption services. It was suggested that such a service could respond sensitively to individual’s circumstances by offering people support to communicate, negotiate and action their contact preferences.

A small number of people discussed the need for future laws to support people who had been adopted under an intercountry adoption program. In particular, it was suggested that services, which helped people seek contact with birth relatives in overseas countries and birth relatives overseas to seek contact with a person adopted in Queensland, needed to be provided.

It was also suggested that new laws should enable people to be notified a month or so before identifying information about them was released to another person, so that they were offered information and support.

*“The state has a special duty of care to provide adequate systems of information, assessment and mediation to people it has shifted into adoptive circumstances.”*

*“I would like to see a body formed to act as an intermediary or conciliatory/reconciliation body between the parties if one side wishes contact while the other lodges a contact objection ... trained counsellors and the parties would be required to meet separately with a counsellor with the view to dispelling fears and if possible arranging a supervised face to face meeting in a safe, confidential and non-threatening environment.”*

*“In a period of transition where some will face uncertainty, it is crucial to provide funds (for counselling and support).”*

*“I believe the availability of counselling would greatly reduce the likelihood of people trying to contact the other party to the adoption who does not want to be contacted.”*

**Question 5:**

Do you believe there are some circumstances in which a person should be refused access to adoption information that identifies someone else, such as giving the information to the person will put the safety of the person who is identified at risk?

**Overall response**

Response	Total	All adopted people	All birth parents	All adoptive parents	Other relative of adopted person	Another interest in adoption	Did not indicate
<b>Total</b>	<b>320</b>	138	71	48	21	20	22
<b>Yes</b>	<b>157 (49%)</b>	72 (52%)	28 (39%)	30 (63%)	11 (52%)	11 (55%)	5 (23%)
<b>No</b>	<b>73 (23%)</b>	33 (24%)	19 (27%)	4 (8%)	8 (38%)	7 (35%)	2 (9%)
<b>Unsure</b>	<b>90 (28%)</b>	33 (33%)	24 (34%)	14 (29%)	2 (10%)	2 (10%)	15 (68%)

**Responses from people associated with Queensland adoptions**

Response	Total	People adopted in Queensland	Birth parents whose children were adopted in Queensland	Adoptive parents who adopted children in Queensland
<b>Total</b>	<b>217</b>	121	52	44
<b>Yes</b>	<b>116 (54%)</b>	66 (55%)	22 (42%)	28 (64%)
<b>No</b>	<b>40 (18%)</b>	24 (20%)	12 (23%)	4 (9%)
<b>Unsure</b>	<b>61 (28%)</b>	31 (25%)	18 (35%)	12 (27%)

**Responses from people directly affected by part 4A of the current *Adoption of Children Act 1964***

Response	People who have received identifying information			People who have been refused identifying information			People who have lodged information objections		
	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents
Total	<b>68</b>	52	16	<b>56</b>	41	15	<b>49</b>	29	20
Yes	<b>34 (50%)</b>	27 (52%)	7 (44%)	<b>18 (32%)</b>	17 (41%)	1 (6%)	<b>37 (75%)</b>	23 (79%)	14 (70%)
No	<b>18 (26%)</b>	12 (23%)	6 (37%)	<b>18 (32%)</b>	11 (27%)	7 (47%)	<b>0</b>	0	0
Unsure	<b>16 (24%)</b>	13 (25%)	3 (19%)	<b>20 (36%)</b>	13 (32%)	7 (47%)	<b>12 (25%)</b>	6 (21%)	6 (30%)

## Summary of Comments

Respondents indicated that people's safety should be paramount. They also commented that the release of information should be refused only in extreme situations such as where a person had threatened violence, been convicted of serious criminal offences, had a history of violence or drug abuse, had a serious mental illness or was suffering ill health.

People discussed how 'risk' should be determined and managed, and recommended:

- 'risk' be determined by an independent body, that was, a court
- professional support be available to a person considered to be a 'risk'
- involving the person who may be at risk in deciding whether the release of identifying information should be refused
- professional mediation be provided to enable parties to meet in a neutral venue, even if information was not released, where a person wanted to meet the person who may pose a risk, and
- there be provision to reassess the level of risk associated with releasing information at future intervals.

Feedback was received questioning why it was necessary to provide a birth parent with authority to obtain a copy of an adopted person's (amended, post adoption) birth certificate when the person was provided with identifying information about the adopted person contained in the Department's records. Feedback suggested that, in some circumstances, providing authority for a person to obtain a copy of an adopted person's birth certificate was overly intrusive and the law should enable the Department to refuse to provide authority for a person to obtain an adopted person's birth certificate in order to protect the adopted person's privacy.

*"In this day and age I cannot conceive a situation where anyone could be put at risk if honesty and truthfulness at the outset are established."*

*"No one should have their physical safety put at risk."*

*"No matter what the prevalence ... it there is a chance it can happen (that is, giving information can put someone at risk), it should be viewed that it will happen ... (and) every possible scenario catered for."*

**Question 6:**

- a. For the purposes of providing access to identifying adoption information should the law be changed to recognise a man who did not consent to his child's adoption as the birth father of the adopted person if:
- there is evidence in the Department of Child Safety's records to show he acknowledged his paternity at the time of the adopted person's birth or adoption?
  - he is recorded as the father on the adopted person's original birth certificate held by the Registry of Births, Deaths and Marriages?
  - he is able to provide some other evidence that he is the adopted person's father?

**Overall response**

Response	Total	All adopted people	All birth parents	All adoptive parents	Other relative of adopted person	Another interest in adoption	Did not indicate
<p>a. For the purposes of providing access to identifying adoption information should the law be changed to recognise a man who did not consent to his child's adoption as the birth father of the adopted person if:</p> <ul style="list-style-type: none"> <li>• there is evidence in the Department of Child Safety's records to show he acknowledged his paternity at the time of the adopted person's birth or adoption?</li> </ul>							
<b>Total</b>	<b>317</b>	121	70	47	21	20	38
<b>Yes</b>	<b>225 (70%)</b>	96 (79%)	42 (60%)	22 (47%)	19 (90%)	18 (90%)	28 (74%)
<b>No</b>	<b>46 (15%)</b>	15 (12%)	10 (14%)	15 (32%)	0	1 (5%)	5 (13%)
<b>Unsure</b>	<b>46 (15%)</b>	10 (8%)	18 (26%)	10 (21%)	2 (10%)	1 (5%)	5 (13%)
<ul style="list-style-type: none"> <li>• he is recorded as the father on the adopted person's original birth certificate held by the Registry of Births, Deaths and Marriages?</li> </ul>							
<b>Total</b>	<b>317</b>	121	70	47	21	20	38
<b>Yes</b>	<b>223 (70%)</b>	96 (79%)	39 (56%)	22 (47%)	20 (95%)	17 (85%)	29 (76%)
<b>No</b>	<b>49 (16%)</b>	15 (12%)	11 (16%)	16 (34%)	0	2 (10%)	5 (13%)
<b>Unsure</b>	<b>45 (14%)</b>	10 (8%)	20 (28%)	9 (19%)	1 (5%)	1 (5%)	4 (11%)
<ul style="list-style-type: none"> <li>• he is able to provide some other evidence that he is the adopted person's father?</li> </ul>							
<b>Total</b>	<b>317</b>	121	70	47	21	20	38
<b>Yes</b>	<b>223 (70%)</b>	91 (75%)	40 (57%)	22 (47%)	20 (95%)	18 (90%)	32 (84%)
<b>No</b>	<b>44 (14%)</b>	15 (12.5%)	12 (17%)	15 (32%)	0	1 (5%)	1 (3%)
<b>Unsure</b>	<b>50 (16%)</b>	15 (12.5%)	18 (26%)	10 (21%)	1 (5%)	1 (5%)	5 (13%)

## Responses from people associated with Queensland adoptions

Response	Total	People adopted in Queensland	Birth parents whose children were adopted in Queensland	Adoptive parents who adopted children in Queensland
a. For the purposes of providing access to identifying adoption information should the law be changed to recognise a man who did not consent to his child's adoption as the birth father of the adopted person if: <ul style="list-style-type: none"> <li>there is evidence in the Department of Child Safety's records to show he acknowledged his paternity at the time of the adopted person's birth or adoption?</li> </ul>				
<b>Total</b>	<b>214</b>	120	51	43
<b>Yes</b>	<b>140 (65%)</b>	95 (79%)	26 (51%)	19 (44%)
<b>No</b>	<b>38 (18%)</b>	15 (12%)	9 (18%)	14 (33%)
<b>Unsure</b>	<b>36 (17%)</b>	10 (9%)	16 (31%)	10 (23%)
<ul style="list-style-type: none"> <li>he is recorded as the father on the adopted person's original birth certificate held by the Registry of Births, Deaths and Marriages?</li> </ul>				
<b>Total</b>	<b>214</b>	120	51	43
<b>Yes</b>	<b>137 (64%)</b>	95 (79%)	23 (45%)	19 (44%)
<b>No</b>	<b>41 (19%)</b>	15 (12%)	10 (20%)	16 (37%)
<b>Unsure</b>	<b>36 (17%)</b>	10 (9%)	18 (35%)	8 (19%)
<ul style="list-style-type: none"> <li>he is able to provide some other evidence that he is the adopted person's father?</li> </ul>				
<b>Total</b>	<b>214</b>	120	51	43
<b>Yes</b>	<b>135 (63%)</b>	90 (75%)	26 (51%)	19 (44%)
<b>No</b>	<b>37 (17%)</b>	15 (12.5%)	8 (16%)	14 (33%)
<b>Unsure</b>	<b>42 (20%)</b>	15 (12.5%)	17 (33%)	10 (23%)

**Responses from people directly affected by part 4A of the current *Adoption of Children Act 1964***

Response	People who have received identifying information			People who have been refused identifying information			People who have lodged information objections		
	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents
a. For the purposes of providing access to identifying adoption information should the law be changed to recognise a man who did not consent to his child's adoption as the birth father of the adopted person if: <ul style="list-style-type: none"> <li>there is evidence in the Department of Child Safety's records to show he acknowledged his paternity at the time of the adopted person's birth or adoption?</li> </ul>									
<b>Total</b>	<b>67</b>	51	16	<b>56</b>	41	15	<b>48</b>	29	19
<b>Yes</b>	<b>63 (94%)</b>	50 (98%)	13 (81%)	<b>47 (84%)</b>	36 (88%)	11 (73%)	<b>14 (29%)</b>	12 (41%)	2 (10%)
<b>No</b>	<b>1 (1%)</b>	1 (2%)	0	<b>2 (4%)</b>	1 (2%)	1 (7%)	<b>19 (40%)</b>	12 (41%)	7 (37%)
<b>Unsure</b>	<b>3 (5%)</b>	0	3 (19%)	<b>7 (12%)</b>	4 (10%)	3 (20%)	<b>15 (31%)</b>	5 (8%)	10 (53%)
<ul style="list-style-type: none"> <li>he is recorded as the father on the adopted person's original birth certificate held by the Registry of Births, Deaths and Marriages?</li> </ul>									
<b>Total</b>	<b>67</b>	51	16	<b>56</b>	41	15	<b>48</b>	29	19
<b>Yes</b>	<b>63 (94%)</b>	50 (98%)	13 (81%)	<b>46 (82%)</b>	37 (90%)	9 (60%)	<b>12 (25%)</b>	11 (37%)	1 (5%)
<b>No</b>	<b>1 (1%)</b>	1 (2%)	0	<b>2 (4%)</b>	0	2 (13%)	<b>21 (44%)</b>	13 (45%)	8 (42%)
<b>Unsure</b>	<b>3 (5%)</b>	0	3 (19%)	<b>8 (14%)</b>	4 (10%)	4 (10%)	<b>15 (31%)</b>	5 (17%)	10 (53%)
<ul style="list-style-type: none"> <li>he is able to provide some other evidence that he is the adopted person's father?</li> </ul>									
<b>Total</b>	<b>67</b>	51	16	<b>56</b>	41	15	<b>48</b>	29	19
<b>Yes</b>	<b>62 (95%)</b>	49 (96%)	13 (81%)	<b>44 (80%)</b>	34 (83%)	11 (73%)	<b>11 (23%)</b>	9 (31%)	2 (10%)
<b>No</b>	<b>1 (1%)</b>	1 (2%)	0	<b>1 (2%)</b>	0	1 (7%)	<b>19 (40%)</b>	13 (45%)	6 (32%)
<b>Unsure</b>	<b>4 (4%)</b>	1 (2%)	3 (19%)	<b>10 (18%)</b>	7 (17%)	3 (20%)	<b>18 (37%)</b>	7 (24%)	11 (58%)

**Summary of Comments**

Comments included that adopted people should have an unqualified entitlement to information about both their birth mother and birth father and that this entitlement should override all other considerations in future laws in Queensland. They also suggested that, because DNA testing could prove or disprove paternity, releasing the name of a person named as the adopted person's birth father was not problematic.

A small number of people commented:

- information about a man who did not consent to a child's adoption should not be released because the person named as the adopted person's birth father was not, or may not be, the person's father
- not releasing the name of the person the birth mother identified as the birth father at the time of the child's adoption assumed the birth mother was untruthful, and
- requiring DNA testing would be unfairly intrusive if the person named was not the father and potentially distressing for all parties.

Feedback from 14 individuals indicated information about men named as a person's birth father in the Department's records (where there was no evidence they accepted paternity, their name was not recorded as the father on the adopted person's original birth certificate held by the Registry of Births, Deaths and Marriages and the Department was not provided with other evidence that they are the birth father) should be released. The 14 individuals comprised:

- 8 people adopted in Queensland who had received identifying information
- 2 people adopted in Queensland who were subject to an objection to the release of identifying information
- 2 relatives of an adopted person
- 1 person adopted outside Queensland, and
- 1 person who did not specify his or her association with adoption.

A small number of comments suggested information about a person named as an adopted person's father should automatically be released if the person was adopted by a step-parent.

*"Birth fathers should have the same rights as birth mothers."*

*"I think fathers probably need more access to information and recognition in the whole process. Many may know nothing about the adoption or birth until many years later."*

*"Even if he is not on the original birth certificate, if the man has been stated as being the birth father this can so easily be proved with DNA testing today that there really isn't a problem."*

**Question 7:**

Should the Department of Child Safety be allowed to contact adopted people and birth parents to ask for up to date family medical information, or to pass on up to date family medical information, when an objection prevents these people from contacting a person to ask for, or provide, this information themselves?

**Overall response**

Response	Total	All adopted people	All birth parents	All adoptive parents	Other relative of adopted person	Another interest in adoption	Did not indicate
<b>Total</b>	<b>321</b>	122	72	48	21	20	38
<b>Yes</b>	<b>249 (76%)</b>	99 (81%)	45 (62%)	33 (69%)	20 (95%)	19 (95%)	33 (87%)
<b>No</b>	<b>48 (15%)</b>	18 (15%)	18 (25%)	10 (21%)	1 (5%)	1 (5%)	0
<b>Unsure</b>	<b>24 (7%)</b>	5 (4%)	9 (12%)	5 (10%)	0	0	5 (13%)

**Responses from people associated with Queensland adoptions**

Response	Total	People adopted in Queensland	Birth parents whose children were adopted in Queensland	Adoptive parents who adopted children in Queensland
<b>Total</b>	<b>153</b>	52	53	48
<b>Yes</b>	<b>111 (73%)</b>	49 (94%)	31 (59%)	31 (65%)
<b>No</b>	<b>32 (21%)</b>	1 (2%)	14 (26%)	17 (35%)
<b>Unsure</b>	<b>10 (6%)</b>	2 (4%)	8 (15%)	0

**Responses from people directly affected by part 4A of the current *Adoption of Children Act 1964***

Response	People who have received identifying information			People who have been refused identifying information			People who have lodged information objections		
	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents	Total	Adopted People	Birth Parents
<b>Total</b>	<b>68</b>	52	16	<b>56</b>	41	15	<b>50</b>	29	21
<b>Yes</b>	<b>63 (93%)</b>	49 (94%)	14 (87.5%)	<b>51 (91%)</b>	41 (100%)	10 (67%)	<b>27 (54%)</b>	17 (59%)	10 (48%)
<b>No</b>	<b>3 (4%)</b>	1 (2%)	2 (12.5%)	<b>2 (4%)</b>	0	2 (13%)	<b>15 (30%)</b>	8 (27%)	7 (33%)
<b>Unsure</b>	<b>2 (3%)</b>	2 (4%)	0	<b>3 (5%)</b>	0	3 (20%)	<b>8 (16%)</b>	4 (14%)	4 (19%)

## Summary of Comments

Comments included that access to up-to-date family medical information would promote the wellbeing and interests of adopted people and their children. Adopted people frequently recounted their frustration at having no information with which to answer questions that arose in routine medical situations. A number of birth parents expressed frustration at being unable to ensure medical information was offered to their adult birth children and considered the lack of a mechanism to offer such information irresponsible and potentially harmful. Although the Department has provided assistance in the past to obtain medical information in situations where it was required to diagnose or treat potentially life threatening illness, the majority of adopted people's feedback indicated that access to more general medical information was required.

Feedback acknowledged it was unlikely full maternal and paternal family medical information would be obtained but indicated any medical information would be appreciated and useful.

A small number of people questioned the relevance and importance of medical information when medical testing could diagnose conditions and treatment did not usually depend on family history.

*"Telling a medical professional that you don't know your genetic history is becoming more and more problematic and frustrating."*

*"In today's world of technological advances, there is no necessity for anecdotal evidence from the past. Blood tests provide the necessary information."*

*"Medical information is not a privilege; it should be a person's right."*

*"In this day and age medical history is not important ... I have often been asked ... by a doctor (for) my family history on a medical issue. When I say I am adopted, they say fine, not a problem."*

*"Medical information can be very important and can make a huge difference to people's quality of life."*

## Appendix One – Summary of demographics of individuals who provided feedback

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### ***Responses from adopted people***

A total of 181 adopted people provided feedback, comprising:

- 157 people adopted in Queensland, and
- 24 people adopted outside Queensland.

#### *People adopted in Queensland*

Of the 157\* people adopted in Queensland:

- 69 had received identifying information
- 53 had been refused identifying information because an objection has been lodged by another party to the adoption
- 36 had lodged an objection to prevent information about themselves from being released to another party to the adoption, and
- 5 had revoked an objection.

\* total may equal more or less than 100 percent as one individual may not have received or been refused identifying information lodged or revoked an objection or may have lodged and revoked an objection prior to receiving identifying information.

### ***Responses from birth parents***

A total of 91 birth parents provided responses, comprising:

- 67 birth parents of people adopted in Queensland, and
- 24 birth parents of people adopted outside Queensland.

#### *Birth parents of people adopted in Queensland*

Of the 67\* birth parents of people adopted in Queensland:

- 22 had received identifying information
- 18 had been refused identifying information because an objection had been lodged by another party to the adoption
- 24 had lodged an objection to prevent information about themselves from being released to another party to the adoption, and
- 1 had revoked an objection.

\* total may equal more or less than 100 percent as one individual may not have received or been refused identifying information lodged or revoked an objection or may have lodged and revoked an objection prior to receiving identifying information.

### ***Responses from adoptive parents***

A total of 54 adoptive parents provided feedback, comprising:

- 48 adoptive parents of a person born in Queensland
- 4 adoptive parents of a person born overseas, and
- 2 adoptive parents of a person born in another part of Australia.

#### *Adoptive parents of a person adopted in Queensland*

Of the 48 adoptive parents of a person born in Queensland:

- 15 were the parent of one adopted person
- 33 were the parent of more than one adopted person
- 17 were the parent of an adopted person who has received identifying information about a birth parent/s

- 13 were the parent of an adopted person who has been in contact with a birth relative, and
- 7 were the parent of an adopted person who has been refused identifying information because an objection has been lodged by another party to the adoption.

*Years in which the 48 adoptive parents who responded to the consultation paper adopted their children*

<b>Years</b>	<b>Number of children adopted by the 48 respondents</b>	<b>Years</b>	<b>Number of children adopted by the 48 respondents</b>
1956 - 1960	8	1981 – 1985	11
1961 – 1965	21	1986 – 1990	1
1966 – 1970	10	1991 – 1995	2
1971 – 1975	14	1996 – 2000	2
1976 – 1980	11	2000 - to present	1
<b>TOTAL</b>	<b>81</b> children adopted by respondents		

### ***Responses from relatives of adopted people other than birth parents or adoptive parents***

A total of 28 relatives provided responses, comprising:

- 14 birth siblings
- 2 adoptive siblings
- 6 spouses
- 5 sons or daughters
- 6 other relatives.

Of the 28 relatives who submitted a response:

- 11 had obtained identifying information about the adopted person
- 15 had been in contact with another party to the adoption
- 11 had been refused identifying information because another party to the adoption has lodged an objection to prevent the release of identifying information.

### ***Responses from people with another interest in adoption***

A total of 28 people with another interest in adoption provided responses.

Of the 28 people who submitted a response:

- 2 had lodged an expression of interest to adopt a child in Queensland
- 4 had lodged an expression of interest to adopt a child from overseas
- 12 work with people affected by adoption
- 8 had developed an interest in adoption because a friend is adopted
- 5 had developed an interest in adoption because a friend is an adoptive parent
- 3 had developed an interest in adoption because a friend has placed a child for adoption
- 16 had developed an interest in adoption because of a particular experience.

### ***Age of individuals who provided feedback***

The following table shows the ages of the individuals who provided feedback during the consultation period.

<b>Age group</b>	<b>Number of respondents in this age group</b>	<b>Percentage of respondents in this age group</b>
Under 18 years of age	5	1%
18 to 25 years of age	7	2%
26 to 35 years	59	13%
36 to 50 years	148	34%
51 to 65 years	167	38%
66 to 80 years	48	11%
Not stated	5	1%
<b>TOTAL</b>	<b>439</b>	<b>100%</b>

### ***Gender***

Of the 439 people who provided feedback:

- 97 respondents (22 percent) are male, and
- 342 respondents (78 percent) are female.

### ***Area in which people who provided feedback resided***

The following table shows the area in which individuals who provided feedback during the consultation period resided.

<b>Queensland</b>	<b>Number of people</b>	<b>Other States and Territories</b>	<b>Number of people</b>
Greater Brisbane	132	New South Wales	13
Wide Bay - Burnett	26	Victoria	5
Sunshine Coast	25	South Australia	3
Far North Queensland	19	Western Australia	3
Moreton	19	Northern Territory	1
Darling Downs	9	Tasmania	1
Gold Coast	12	<b>Other States and Territories Total</b>	<b>26</b>
Fitzroy/Central West Queensland	9	<b>Overseas</b>	<b>2</b>
Mackay/Whitsunday	9	<b>Address not provided</b>	<b>144</b>
North Queensland	7		
<b>Queensland Total</b>	<b>267</b>	<b>GRAND TOTAL</b>	<b>439</b>

## **Appendix Two – Summary of issues raised in organisations’ submissions (In alphabetical order)**

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### **Aboriginal and Torres Strait Islander Legal Service**

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The organisation’s submission advised:

- those affected by an adoption extend beyond the child and the birth or adoptive parents to include siblings, grandparents and members of extended family
- the description of ‘parent’ for the purpose of access to information should not be defined too narrowly
- a range of people in communities need to know the details of an adoption of an Aboriginal or Torres Strait Islander person
- it should be mandatory for adopted children to be informed of their cultural background
- an objection to release of information should not last in perpetuity; it should expire when the objector dies and be renewed at five-year intervals
- the law should be changed from information objections to contact objections
- a person should attend counselling and sign an undertaking before receiving identifying information about a person who has a contact objection in place
- the court should have the power to restrict the release of information to a person who may pose a risk of harm to the child
- in the circumstances set out in question six, the birth father should have access to information
- where direct exchange of medical information, for example, is not possible, the Department should be allowed to contact the respective parties, and
- counselling and other services should be provided to parties to adoptions.

## **Adoption Privacy Protection Group**

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The organisation's submission advised:

- it strongly objects to the negative term 'restrictive' being used when Queensland is the most 'protective' of birth mothers and adopted people
- there are 3,000 people with information objections in place, but only 464 adopted people have been refused identifying information
- it is not in the best interests of the adopted person to remove information objections
- people have published accounts of how they have broken an objection and no legal action has been taken, action which can be initiated only by the Minister and only if the Department makes the Minister aware of the breach.
- results of consultation feedback should be provided in figures or in qualified percentages; anonymous responses should not be accepted as they are vulnerable to manipulation
- draft legislation or a green paper should be released for further consultation
- it is not necessary to provide authority for the Department to access medical information; it is already able to do this
- it is a betrayal for part 4A of the *Adoption of Children Act 1964* to be reviewed; government promised it would not be, and it was excluded from the original terms of reference for review
- new laws should make provision for a mutual consent registry, along the lines of the Adoption Reunion Registry facilitated in British Columbia, Canada, which is legislatively mandated to provide search, intermediary and counselling services to people affected by adoption, and
- people directly affected by changes should be notified before the legislation is passed.

## **Australian Association of Social Workers (Queensland Branch)**

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The organisation's submission advised:

- there is a distinct need to amend procedures to provide a path for individuals and families seeking information about their identity and that of their birth family
- the balance of rights should be tilted in favour of the child (adopted person) in this instance
- on the death of the objector, it is reasonable for the rights of the living parties to be considered
- access to identifying information should be refused if it is assessed that its release would place another party at risk of harm
- recognition of biological mothers and fathers is warranted; children have a right to information about both parents
- the Department should act as conduit to obtain medical information where people are objecting to contact
- it supports the concept of renewal of objections in principle, but is concerned about maintaining confidentiality when sending correspondence
- existing information objections should be changed to objections to contact only
- if the laws change, the Department has a responsibility to manage risks associated with potential trauma or family upheaval in a sensitive manner, and
- people receiving identifying information should receive information and support to educate them about people's right to privacy; counselling could be provided by telephone.

## Australian Council for Adoption

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The organisation's submission advised:

- Queensland does not have the most restrictive adoption laws - South Australia makes provision for objections, Victoria does not provide birth mothers with an entitlement to obtain identifying information
- there have been problems with the implementation of legislative changes in Western Australia; one case reached court but the government uses mediation to prevent redress
- in reporting the feedback received from the community, actual numbers of respondents who have expressed a particular view should be quoted, rather than reporting the percentage of the total respondents who expressed a view
- only 464 adopted Queenslanders (not 3,000) have been prevented from obtaining information which would identify their birth mothers
- the current provisions of the *Adoption of Children Act 1964* balance the rights of parties to past adoptions
- Ministers since 1991 have vowed adoption legislation would not be drawn up in secret and that a draft bill would be released and consultation would occur before new laws were announced
- guarantees were given that the review of adoption legislation would exclude part 4A of the *Adoption of Children Act 1964*
- former Premier Peter Beattie gave an undertaking that all objections to the release of identifying information would continue to be honoured
- people with information objections in place do not want to have to re-fight the issue
- objections should not have to be renewed under any circumstances
- late objections (that is objections to contact lodged after identifying information has already been released) should continue to be able to be lodged
- if a person is allowed to receive identifying information about a person who objects to its release, at a minimum, the person should sign not to contact the 'objector' or any relative of the objector
- the law does not need to be changed to enable the Department to access medical information on behalf of parties to an adoption; it has done this in the past
- departmental authorisation does not mean medical information will be obtained as the 'objector' may refuse, or be unable, to provide the information
- a contact register, where up-to-date medical information can be passed on to another party to the adoption, should be established
- the Department should be required to take legal action if an objection has been broken; ministerial approval should not be required for police to place a charge; specified fines and gaol times will not act as a deterrent
- the European Court of Human Rights decided, as did the Irish Supreme Court, that as particular birth mothers had expressly reserved their right to privacy, the court would not order the release of identifying information, and
- it is aware of cases where men have wrongly indicted they are the father of a child, which makes releasing information about putative fathers highly problematic and potentially misleading.

## CREATE Foundation

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The organisation's submission advised:

- the current Act favours the rights of those who wish to maintain privacy over those who wish to obtain information
- the rights of the birth child to access information should take precedence, as birth children are without voices or the ability to access information that may assist them to achieve emotional, and potentially physical, healing
- adopted people deserve the right to access information that provides answers about their origins, identity, and medical histories
- in circumstances where the Department may be prevented from releasing identifying information because it may put a person at risk of harm, limited information could be given if the person signed the legally enforceable agreement not to contact or harass the individual
- if a decision was made to refuse identifying information, the individual would need to be advised to seek counselling and to reapply for information after a certain number of sessions; a counsellor, social worker or psychologist would be able to provide an assessment advising whether or not the individual would be suitable to receive identifying information
- a decision to refuse access to identifying information should be subject to a review process and able to be overruled by the court
- birth fathers should have equal rights to the birth mother and adopted children to access identifying information
- before information is released, evidence of paternity would need to be obtained
- it would be appropriate for the Department to contact those who object to contact to request up-to-date medical information on behalf of the person subject to the objection
- objections that stop identifying information from being released in perpetuity are particularly stringent and cruel
- objections should be renewed every 5 years
- changing existing information objections to contact only objections balances the right to information with the right to privacy far greater than the existing Act
- it is unlikely that birth parents or children will make contact with family who have made an objection to contact, as the risk of rejection and further emotional trauma would be high
- an interview with a counsellor or the Department would further obstruct individuals from receiving information; waiting times are already long (six months or more)
- free counselling should be offered; a telephone service would be appropriate for those unable to have face-to-face contact, and
- many people are adverse to the idea of receiving professional help so may not agree to attending an interview with a counsellor or the Department.

## **Family Voice Australia**

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The organisation's submission advised:

- the rules should not be changed to allow the release of identifying information about a person adopted before 1 June 1991 who has objected to its release
- people should not be denied the right to lodge objections simply because they have not yet exercised the right
- objection renewals would cause unnecessary distress to a person who lodged an objection thinking it would remain valid unless revoked
- information objections should not be converted to contact objections
- upon the death of the objector, their interest in maintaining privacy ceases and the interests of other parties should prevail
- birth fathers should be treated in law the same way as birth mothers regardless of whether their consent was sought or dispensed with at the time of the adoption, and
- consent for the Department to request up-to-date medical information could be specified on an objection.

## **Jigsaw Queensland Inc**

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The organisation's submission advised:

- it is not possible to balance the right of privacy and the right to access; the capacity of one party to unilaterally lodge an enforceable objection prevents any real balance of interests
- by allowing objections to be in place until they are withdrawn by the party lodging the objection, the current legislation effectively grants greater rights to the dead than the living
- rather than having a policy goal of achieving balance, it would be better to provide services that negotiate the viewpoints of parties
- the right to privacy does not extend to the right of a person to withhold information from another person that is vital to that person's own private identity, origins or knowledge of their children
- it supports the rights of adoptees over the age of 18 years to information about their personal origins and the similar rights for birth parents to have information about their children
- the right to identifying information should be denied only in rare situations where there may be a threat to safety, based on evidence and determined by a court
- it supports the release of information about birth fathers, including putative fathers
- siblings of adopted people should have a right to access information
- adequate post-adoption and counselling services should be provided for all parties and funded by government; this is particularly crucial in a period of transition, and for those weighing up a decision to make contact; it should not be compulsory
- parties should have a right to express contact preferences such as no contact, or a range of intermediate forms of contact such as by mail, email, phone or mediated meeting; preferences should be communicated between parties, either directly or through a mediator; decisions should be reviewed periodically by both parties
- the majority of people currently subject to an objection to the release of identifying information are between 36 and 56 years of age; persons of such maturity and life experience do not constitute any serious threat to the lives of their birth relatives
- objections should not be enforceable and no penalties should be prescribed for breaching an objection

- the US publication *Adoption Nation* states that 'enforceable contact objections are a demeaning requirement that criminalise what would otherwise be acceptable behaviour governed by the normal bounds of decency and good manners'
- privacy laws and anti-stalking provisions in the *Criminal Code* exist; laws ought not to be created where they are not necessary
- people's right to privacy is recognised; showing respect for each other when balancing rights to privacy with rights to access information are matters of ethics not law, and
- if post-adoption services are outsourced in the future, there will be a need for continuing interaction between professionals, community groups and the research community; a community advisory board comprised of these parties and other individuals could encourage the efficient exchange of information regarding best practice and increase transparency and accountability in adoption.

### **Link-Up Aboriginal Corporation Inc**

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The organisation's submission advised:

- it is keen to see changes to the laws associated with releasing identifying information to further help people trying to trace their birth parents or relatives
- identifying information needs to be provided to parties as it reveals clues to which 'mob' a person is connected to and what their tribal heritage might be
- it is particularly important for identifying information about birth fathers to be released; in some cases the birth mother is non-indigenous and the information about the father is the only link the person may have to his or her cultural heritage, and
- it supports change to adoption legislation.

### **Monash University**

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The organisation's submission advised:

- current legislation does not achieve a fair balance between parties' interests
- supporting the principle of privacy at the expense of all other considerations is anachronistic and out of kilter with legislation in other Australian jurisdictions
- access to information about birth families is important, perhaps even essential, to the identity, security and welfare of adopted people
- a person's right to information about birth and parentage should take precedence over some rights of others, such as the right to privacy
- people should not continue to be able to lodge objections that prevent the release of identifying information
- access to identifying information should be a right, but contact is not a basic right and should be initiated only with the full consent and agreement of both parties
- converting information objections to contact objections would more appropriately balance the rights of parties to an adoption
- requiring objections to be renewed every 5 years would be advisable
- people seeking information and contact in post-adoption situations respect contact objections
- the signing of legally enforceable undertakings should be adequate to prevent unwanted contact in most cases
- it is difficult to imagine a situation where a court order preventing the release of identifying information to a person would be required
- the law should recognise a birth father of an adopted person who did not consent to the adoption, provided it can be proved he is the birth father, and

- the Department should be allowed to contact adopted people and birth parents to ask for up-to-date medical information, or to pass on such information, when an objection prevents contact.

## **National Alliance of Natural Parent Groups**

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The organisation's submission was supported by:

- Adoption Loss and Support (Queensland)
- Action for the Rights of Mothers and Children Organisation (Sydney)
- Sydney Post Adoption Support Network
- Mothers of the White Stolen Generation (Victoria)
- Association Representing Mothers Separated from their Children by Adoption (Victoria)
- Association Representing Mothers Separated from their Children by Adoption (South Australia)
- Adoption Research and Counselling (Western Australia)
- VANISH - Search, Information and Support Service for Forgotten Australians and People Affected by Adoption and Donor Conception (Victoria)

The organisation's submission advised:

- providing adopted people with all information, including knowledge of their original name and their extended birth family, and an opportunity to meet their birth family, is the necessary first step in the process to heal the psychic wound which results when adopted people are removed from their family of origin
- adoptees have a right to all information about their heritage and this information is necessary for their psychological welfare, and
- adopted people's mental health should come before another party's privacy concerns.

## **New South Wales Committee on Adoption and Permanent Care**

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The organisation's submission advised:

- an adopted person's access to information about his or her birth parents is an entitlement
- a birth family's privacy is not the primary consideration
- New South Wales' experience demonstrates a balance can be struck between protecting and managing the privacy of parties while ensuring access to information
- people should not continue to be able to lodge information objections, but if future law in Queensland does allow this, they should have to be reviewed on a regular basis
- information objections should not be changed to contact objections but rather all objections in Queensland should become null and void; if a person wants to lodge a contact objection, they should be required to lodge a new objection that has to be renewed on a regular basis
- people should not have to attend an interview prior to receiving identifying information about a person who has a contact objection in place
- requiring a person to sign a legally enforceable undertaking not to make contact should be sufficient to safeguard the privacy of people who have lodged contact objections
- identifying information should not be refused; if there are safety concerns, people should be able to access a specialist service to prepare for and negotiate contact in a way that negates risk

- birth fathers who did not consent to the adoption should be recognised as the adopted person's birth father in the three circumstances outlined in question six
- the Department should be allowed to contact adopted people and birth parents to ask for up-to-date medical information, or to pass on such information, when an objection prevents contact
- a specialist service within the Department or a in a non-government organisation should be established in Queensland to enable parties affected by a contact objection to access support and counselling when needed, and
- incidents of people violating contact objections, after receiving identifying information, in New South Wales are very rare; resources and support need to be available to people in this position.

### **Origins Inc (Queensland)**

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The organisation's submission advised:

- converting information objections to contact objections would be problematic because it would not be possible to know if the objector was deceased
- the removal of information objections is recommended because objections lodged in 1990/91 should be assumed to still be valid; it should not be assumed the objector is still alive
- people subject to an objection should not have to attend an interview and sign an undertaking not to make contact with the person who has the objection in place
- contact objections are a gross violation of civil liberties
- rather than allowing contact objections to remain, there should be mediated meetings between parties, facilitated by professional counsellors; the counsellor should be able to have 'off the record' conversations with parties and arrange 'one off' meetings so that a party who does not want ongoing contact can explain the reasons for this
- a two-year period to sunset objections (as was the case in Western Australia) is not necessary (and proved to be unnecessary in Western Australia)
- New South Wales and Western Australia are looking at decriminalising contact objections; this should be looked at in Queensland because contact objections are an affront and constitute a statement of criminal intent
- information should be given out to parties to adoptions in an educated manner rather than just sending details in a letter; people should be provided with a referral for further information or support to make contact or to deal with experiences
- a post-adoption resource centre should be established
- people are entitled to know the truth; counselling and support need to be available
- all mothers have an obligation to pass on health information, even if they do not want to meet the adopted person, and
- adopted people should be afforded protection through antidiscrimination legislation.

## Queensland Law Society

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The organisation's submission advised:

- it supports, in principle, parties being able to obtain identifying information
- legislation should set out a framework for the release of identifying information that addresses the issues of privacy and contains safeguards to ensure the best interest of the child (adopted person) are considered and protected in all circumstances
- Legal Aid Queensland should receive adequate government funding in response to revised legislation, and
- the Department will require increased funding to offer counselling services.