

Your reference: Qld Leg Assembly No 288-04
Our reference: P/CS/03/04

Mr Neil 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 forwarding a copy of a petition (No. 288-04) tabled in the Parliament on 17 August 2004 concerning the legislated practice of producing amended birth certificates for children who have been adopted.

The practice outlined above occurs after the making of an adoption order and is a requirement contained in the *Adoption of Children Act 1964* (the Act). The Act requires the Chief Executive to advise the Registrar-General of the Registry of Births, Deaths and Marriages when an adoption order is made. The Registrar-General must then register the adoption in the Adopted Childrens Register and, if the child was born in Queensland, make alterations to the register of births.

After an adoption order is made the child's original birth certificate is not destroyed but is sealed in the Registry and is only released with the authorisation of the Chief Executive under section 39C of the Act or under an order of the Supreme Court. An amended birth certificate is then issued listing the details of the adoptive parents under the headings of 'mother' and 'father'.

The amended certificate becomes the child's legal birth certificate for life unless the adoption order is discharged prior to the child reaching eighteen years of age. Discharge of adoption orders is extremely rare because the fundamental premise of adoption is that it provides a permanent legal family for a child and that it is not in the best interests of children for that permanency to be readily removed. It is not possible to discharge an adoption order once an adopted person reaches the age of eighteen.

Adopted persons who are eligible to obtain a copy of their original birth certificate are issued with a copy from the Registrar-General. The copy is marked 'not to be used for official purposes'. It is not lawful for copies of original birth certificates to be issued without the endorsement 'not to be used for official purposes'.

I understand the importance of this issue to some adopted persons seeking to have birth parents name 'reinstated' on official birth certificates. For the reasons outlined above, and for the purposes of maintaining a single legal identity, it is not lawful for adopted persons to be issued with more than one birth certificate that can be used for official purposes.

However, because this is an issue of great personal significance to many people the legislation outlining the process for changing an adopted person's birth certificate has been specifically considered as part of the Adoption Legislation Review being conducted by my department. The review recognises the importance of adoption in the lives of people and represents a valuable opportunity for Queensland to develop a contemporary legal framework for adoption.

The review has looked specifically at the issue of the identity of the adopted person when considering this matter. Under the current system the amended birth certificate ensures that the person's adopted status is not disclosed each time the certificate is used to prove identity which ensures their privacy and enables them to control when and to whom they disclose information about their adoption. However, it is acknowledged that adopted persons may also feel that the amended birth certificate misrepresents the truth about their lives as it is not a true record of their birth and that it creates a falsity by implying that they have only one set of parents.

Community consultation undertaken as part of the review provided some support for future legislation in Queensland to include a similar provision to New South Wales' *Adoption Act 2000*. This legislation requires the registration of a third document that sets out a complete record of a person's birth and adoption, which may be released to adopted persons, birth parents and adoptive parents. This document would be separate from the adopted person's original and amended birth certificates. The amended birth certificate issued after the adoption order was made would continue to be the adopted person's legal birth certificate throughout life.

The discussion paper distributed during stage one of the review included this provision as an option for consideration by the community and the Queensland Government. The Department of Child Safety is currently compiling a response on a range of issues subsequent to comment being made on the discussion paper. The Queensland Government will then formally consider all of these issues.

Further community consultation will be undertaken once an approved draft bill is released. I would encourage interested persons to contact Ms Kendra Beri, Adoption Legislation Review Unit, on 3404 3278 to ensure participation in this stage of the legislative development.

I trust this information is of assistance.

Yours sincerely

HON MIKE REYNOLDS AM MP
Minister for Child Safety