Jigsaw Queensland

Submission to the Commission of Inquiry into Child Safety System

Jigsaw Queensland welcomes the opportunity to contribute to the Commission of Inquiry into the Child Safety System.

This submission relates primarily to the following Term of Reference:

e. Reviewing Queensland legislation about the protection of children, including the Child Protection Act 1999 and Adoption Act 2009.

For 49 years, Jigsaw Queensland has stood alongside people whose lives have been shaped by adoption. Founded by people impacted by adoption in 1976 and incorporated in 1988, Jigsaw Queensland is a lived-experience-led organisation that delivers professional, trauma-informed services across the state, including the federally funded Forced Adoption Support Service (FASS).

This submission is grounded in thousands of lived experiences, frontline practice, collaboration with government and peer organisations, and engagement with research and inquiries. Adoption is not a moment in time - it is a lifelong legal and relational reality for adopted people. Decisions made about children must consider the rights and wellbeing of the adult they will become.

Background

Jigsaw Queensland provides a range of services for people impacted by adoption:

- emotional support by phone, email and in person;
- peer support groups for adopted people, mothers, fathers and a mixed group for parents who lost children to adoption, adopted people and their siblings;
- information and guidance for individuals undertaking their own search, or direct searching and outreach on their behalf;
- referrals to professionals and other agencies; and
- the federally funded Forced Adoption Support Service in Queensland.

Jigsaw Queensland is a not-for-profit organisation and registered charity supported and led by lived-experience and professional staff. We have consistently advocated for evidence-based reform in adoption law and policy and worked closely with Adoption and Permanent Care Services in Queensland, peer groups and multiple agencies. We participated in the Senate Inquiry into past adoption practices and the consultations that led to both State and National Apologies. With this background, Jigsaw Queensland brings deep, lived-experience insight into the lifelong impact of adoption and other forms of state-facilitated family separation.

We urge the Commission of Inquiry to prioritise hearing directly from adult adopted people and parents who have lost children to adoption to ensure contemporary reforms do not replicate past harms.

Guiding Principles

As the Commission progresses on the important work of reviewing the Queensland Child Safety System, which includes a review of the *Adoption Act 2009*, we encourage application of the following principles:

- policy must be grounded in evidence, ethics and human rights, not ideology;
- lived experience of adopted people and parents who lost children to adoption must be central to design, delivery and oversight;
- the trauma of separation and subsequent adoptions must not be minimised - children become adults who live with lifelong consequences of decisions made on their behalf as children;
- stability and permanence are important but must not erase identity or kinship nor repeat discredited practices; and
- truth, transparency, choice and relational repair should underpin all reforms across the child safety and adoption systems.

1. Adoption causes lifelong harm

A persistent misconception is that the harms described by adopted people and parents who lost children to adoption arise only from the 'forced' nature of past adoptions. Lived experience, practice evidence and formal inquiries show that plenary adoptions – which legally sever identity, ancestry and kinship, and falsify vital records - cause lifelong harm irrespective of whether an individual adoption was 'forced', 'open' or 'voluntary'.

Most adopted people in Australia were removed soon after birth and did not learn that their adoptions occurred in a coercive era until decades later. The trauma was already present in struggles with identity, belonging, attachment and mental health. The current low numbers of adoption in Queensland are not a 'shocking indictment on the child protection system' (as stated by Minister Amanda Camm in Queensland Parliament), but evidence that we have learned from the past and recognised that adoption is not the fairytale solution we once imagined. It is evidence that parts of the child safety system are indeed working in the best interests of the child.

Plenary adoption cancels the original birth record and replaces it, creating a legal fiction that erases a child's first family. This erasure contributes to lifelong grief, loss, identity confusion and relational challenges reported across generations of adopted people, with intergenerational repercussions. Rebranding adoption as 'open' or 'voluntary' does not change its structural effects when plenary orders remain the default. Public narratives that present adoption as a modern fix for social issues or instability ignore this evidence and risk re-creating harm.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- acknowledge that the core harms of adoption are inherent to plenary legal severance and record falsification, not only to historical coercion;
- avoid re-introducing or expanding plenary adoption as a child-protection response; and
- apply permanency options that preserve identity and kinship, such as Permanent Care Orders or, as a last resort, Simple Adoption.

2. Simple Adoption

Queensland's framework is anchored in plenary adoption - a model devised in an era of secrecy and social stigma. Simple adoption, used in several jurisdictions internationally, is a contemporary alternative that preserves a child's original identity and legal family ties while recognising the adoptive relationship. It adds to rather than erase the child's experience.

Plenary adoption permanently severs the child's legal relationship with parents, siblings and extended family of origin; cancels and replaces the original birth certificate to show adoptive parents as though they gave birth to the child; and substitutes identity and heritage with that of the adoptive family, creating a legal fiction with lifelong consequences.

Simple adoption retains the child's name, identity and original birth record; maintains legal and familial connections with family of origin while recognising adoptive family relationships; and creates dual legal recognition and responsibilities, supporting transparency and belonging.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- amend the *Adoption Act 2009* to establish a simple adoption pathway as a last resort when a child cannot live safely with family;
- provide an accessible option for existing adopted people to revert a plenary order to a simple form if they choose; and
- design the new model in partnership with lived-experience organisations and embed a trauma-informed process.

3. Access to Identifying Records

Access to information about one's origins is a fundamental human right essential for identity, belonging and psychological wellbeing. For 33 years (since 1991 and reaffirmed in the *Adoption Act 2009*), Queensland practice has allowed adult adopted people and parents who lost children to adoption to obtain identifying information (including marriage and death records) via authorisation from Adoption and Permanent Care Services (APCS).

However, procedural changes introduced on 4 September 2025 by the Registry of Births, Deaths and Marriages (RBDM) and APCS curtailed this access without consultation, reversing decades of progress, creating interstate inequity and retraumatising those preparing to reconnect with family members.

This decision by government had a devastating impact on our adoption community. Searches for family members stall when a mother's married name and related records are withheld - women are disproportionately affected due to name changes related to marriage. Queenslanders faced less access than their interstate counterparts, undermining fairness and national consistency. There was an immediate impact on the mental health of our community with reports of renewed grief, uncertainty and loss of agency, and erosion of trust in government. In addition, it increased risks with searchers forced to resort to genealogical DNA testing as a primary contact option rather than an option of last resort.

We embarked on a comprehensive advocacy campaign, using media, ministerial correspondence and grassroots action, to highlight the significance of this change. On 11 November 2025 we received confirmation from the Department of Justice that the previous approach of discretion on the part of RBDM officers, as intended in original legislation, will again apply when people seek identifying information about family members.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- introduce legislative amendments to confirm access in line with Senate Inquiry recommendations and human rights obligations; and
- commit to genuine consultation with lived-experience organisations and work toward nationally consistent access.

4. Father's Name on Birth Certificate

Pre-adoption birth records usually omit a father's name - a legacy of the social stigma that shaped past practices. Adding a father's name is truth-telling - it restores historical accuracy, supports identity formation and is a necessary precursor to a complete Integrated Birth Certificate.

Adopted people currently face several barriers when they want to add their father's name to their original birth certificate. Applications typically require initiation by the biological mother which means adopted adults lack agency, especially if their mother is deceased or estranged. Unclear evidentiary standards, which often require costly DNA testing, and inconsistent frontline advice from RBDM create distress and inequity. People impacted by adoption report that their experiences interacting with the RBDM in all capacities is traumatising. Language and processes are not trauma-informed and can damage relationships.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- enable adopted adults to apply directly to add a father's name based on sufficient evidence, such as DNA, documents, and statutory declarations.
- co-design application forms and guidance with lived-experience groups, update use of language and provide ongoing staff training; and
- waive fees and set clear, time-bound decision-making processes to reduce financial and emotional burden.

5. Integrated Birth Certificates

An Integrated Birth Certificate (IBC) records both birth and adoption information on a single legal document. It restores truth and completeness without altering legal parentage and provides adopted people with choice about which certificate to use.

The NSW model, which presents 'Parents before adoption' and 'Parents after adoption' in balanced columns, offers a dignified template Queensland could adopt.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- adopt an IBC format that equally and accurately records both families, issued to adults on application and to children where all parents agree;
- ensure processes are trauma-informed and streamlined, especially where historical records are incomplete, such as missing father's name; and
- recognise both the integrated and post-adoption certificates as interchangeable legal proof of identity.

6. Discharging an Adoption

Adoption is imposed in childhood, when informed consent is not possible. Many adults seek a discharge of adoption not to repudiate relationships but to restore autonomy, legal identity and coherence. Current Queensland law permits discharge only on limited, fault-based grounds and requires application to the Supreme Court, which is a prohibitive barrier for most.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- amend the *Adoption Act 2009* to allow for no-fault discharge on personal, identity or relational grounds;
- enable applications in the District Court (the court of original orders) and ensure processes are trauma-informed and affordable; and
- provide free legal assistance and emotional support for applicants.

7. National Framework

The fragmentation of eight different State and Territory regimes creates confusion, inequity and secrecy. A national framework would create consistent access rights, a single portal for records, uniform recognition of parents and meaningful data collection and accountability.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- establish a National Adoption Framework under Federal legislation with harmonised State and Territory laws;
- create a single national access portal for adoption records integrated with each RBDM; and
- provide oversight and appeal options through the Federal family law system to ensure consistency and rights protection.

8. Duty of Care

We do not have a transparent process of review of adoptions in Queensland. There is no longitudinal, peer-reviewed evidence that tracks outcomes across the lifespan, and no systematic reporting on disruptions, discharge, suicide, or adopted peoples' contact with child protection or justice systems.

Adoption placements are government-controlled out-of-home care arrangements without the monitoring and rights frameworks that apply under the *Child Protection Act 1999*.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- mandate cross-department recording of adoption status in health, education, justice and community services to enable data linkage;
- publish data on disrupted and failed adoptions, discharges, deaths by suicide and contact with child protection and criminal justice systems;
- commission a longitudinal, peer-reviewed study of adopted people's outcomes and co-design research with lived-experience organisations;
- keep adopted children's files active with the Department until 18 and develop a Charter of Rights for Adopted Persons; and
- recognise adoption as a form of state-facilitated out-of-home care and include adopted people within redress schemes.

9. National Expertise

While lived experience must sit at the centre of reform, it cannot stand alone. Sustainable, ethical and effective adoption policy requires the integration of both lived experience and the best available research and legal expertise.

Two of Australia's most knowledgeable and respected authorities on adoption and child welfare reform are:

Professor Emeritus Nahum Mushin AM

A former Judge of the Family Court of Australia and Chair of the Commonwealth Forced Adoption Implementation Working Group, Professor Mushin led the national implementation of the 2013 Australian Government Apology for Forced Adoption. He has published extensively on the failures of Australia's state-based adoption legislation and the need for a unified national legal framework under Federal family law. Professor Mushin argues that fragmenting adoption across eight jurisdictions leads to inequity, repeat harm, and inconsistency in rights and access to justice. His judicial expertise and systemic understanding of how legislation operates in real families make his insights critical to structural reform.

Professor Daryl Higgins

A Director of the Institute of Child Protection Studies at the Australian Catholic University, Professor Higgins is a lead researcher on adoption, trauma, permanency, and child protection systems in Australia. He is co-author of *Past Adoption Experiences: National Research Study on the Service Response to Past Adoption Practices (AIFS 2012)* — the largest study ever undertaken into the lifelong impacts of adoption. Professor Higgins' research confirms that harm is not limited to 'forced' adoption, but inherent to plenary adoption where identity, ancestry and legal truth are severed. His research provides a rigorous evidence base to evaluate permanency models, trauma outcomes, service design, and state responsibility.

Reform must be informed by both those who lived it and those who have studied and governed it. These two experts bridge judicial practice, national policy implementation and empirical research. Their inclusion would provide the Inquiry with legal clarity on adoption, identity rights and national consistency; evidence on outcomes across the lifespan of adopted people and families; and recommendations that align with human rights, trauma-informed care and contemporary international models of permanency.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- invite Professor Nahum Mushin AM and Professor Daryl Higgins to give evidence at hearings or in writing;
- use their expertise to test policy proposals against legal viability, research outcomes and international best practice; and
- ensure their contributions are considered alongside lived-experience testimony to develop reforms that are credible and compassionate.

10. Redress

The 2012 Senate Inquiry into the Commonwealth Contribution to Former Forced Adoption Policies and Practices recognised the severe and lifelong impact of Australia's forced adoption era. The Inquiry's recommendations, endorsed by the Australian Government Apology in 2013, called for States and Territories to provide tangible redress to those who suffered loss, trauma and systemic injustice as a result of forced adoption policies and practices.

Since then, Victoria (2024) and Tasmania (2025) have established state-based forced adoption redress schemes to acknowledge and compensate mothers. These schemes provide financial payments, counselling and apologies—measures that validate the enduring harm of state-sanctioned family separation. The redress schemes have not included adopted people or fathers who wanted to raise their children.

Queensland has not yet implemented such a redress scheme. The absence of formal recognition and tangible reparation leaves many without the justice and validation afforded to those in other jurisdictions.

At the same time, adopted people who suffered abuse or neglect in their adoptive placements remain excluded from existing institutional redress frameworks, even though their placements were legally arranged and approved by the State. This dual exclusion - from forced adoption redress and from institutional abuse redress - represents a continuing failure of accountability by government.

Redress for Forced Adoption

Jigsaw Queensland strongly supports the introduction of a Queensland Forced Adoption Redress Scheme, modelled on Recommendation 20 of the Western Australian *Report 66 – Broken Bonds, Fractured Lives: Inquiry into Past Forced Adoption Policies and Practices* (2023). Such a scheme should:

- formally acknowledge the harm caused by past adoption policies and practices, including coercion, loss of identity, and psychological and intergenerational trauma, and include mothers, adopted people and fathers who were denied their right to raise their children;
- provide financial redress payments as recognition of the State's role in authorising and administering these practices;
- include funded access to trauma-informed counselling, peer support and records assistance through specialist services provided by organisations that had no connection to taking historical consents;
- offer restorative justice options, including written apologies, facilitated meetings, and opportunities for truth-telling; and
- establish an independent governance body including lived-experience representatives to oversee delivery, accountability, and evaluation.

A Queensland redress scheme would deliver long-overdue justice and bring the State in line with national recommendations and contemporary standards of reparation. Redress is not only about financial compensation. It represents recognition, accountability and healing. A Queensland redress scheme for forced adoption survivors, would represent a meaningful act of justice and leadership. It would honour the State's 2012 Apology, align with national and international human rights principles, and restore the dignity of those whose lives were permanently altered by adoption.

Redress for Abuse and Neglect within Adoption

Jigsaw Queensland strongly supports adopted people who experienced abuse, neglect or exploitation in their adoptive placements being eligible for redress within state or national frameworks.

Adoption is a state-facilitated placement. The government bears ethical and moral responsibility for the safety of children placed through this system. Recognition within redress frameworks should therefore include:

- adoption within the definition of institutional or state care so that adopted people who experienced abuse by adoptive parents are eligible for redress;
- mechanisms for confidential disclosure and investigation of abuse in adoptive homes;
- access to counselling, records and restorative processes equivalent to those available under the National Redress Scheme; and
- acknowledgement of historical failures in screening, supervision and post-adoption support.

Recommendation

Jigsaw Queensland recommends that the Commission of Inquiry:

- establish a Forced Adoption Redress Scheme, co-designed with people affected by adoption and delivered in partnership with specialist support services with no history of consent taking;
- include adoption in the scope of existing or future redress schemes for institutional and state-facilitated abuse, ensuring equity for adopted people who suffered harm in adoptive placements;
- commit to truth-telling and restorative processes, acknowledging that forced adoption practices were state-facilitated violations of family and identity rights; and
- work with the Commonwealth Government to promote a nationally consistent approach to adoption-related redress, data collection and service delivery.

Conclusion

This Commission of Inquiry is an opportunity for Queensland to lead with reforms that prioritise truth, identity and lifelong connection. Plenary adoption's legal severance and record falsification cause enduring harms that are not resolved by modern labels. Alternatives such as simple adoption and Permanent Care Orders provide stability without erasure. Legislative protection of access to identifying information, trauma-informed processes to correct historical records, adoption of Integrated Birth Certificates, accessible no-fault discharge of adoptions, national consistency, and robust data and rights frameworks are essential for a humane, evidence-based system.

Adoption decisions made for children are lived by adults. The Commission of Inquiry can ensure that the law reflects this truth. By replacing erasure with recognition, secrecy with transparency, and ideology with evidence, Queensland can protect children today and respect the adults they will become.

Jigsaw Queensland stands ready to support the design and implementation of these reforms alongside government, community services and the adoption community.

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