Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

Hansard Thursday, 6 August 2009

ADOPTION BILL

Mr POWELL (Glass House—LNP) (5.20 pm): I rise to add to this rather sensitive, and rightly so, debate on the Adoption Bill 2009. At the outset, I am pleased to see this bill finally make it to the House. I am a keen advocate for engaging and consulting with the broader community when it comes to decision making, but even the most ardent community engagement professional would consider the long and tortuous path that this bill has taken to be too drawn out, too disjointed and too haphazard.

The explanatory notes state that the review of the existing adoption law, as enshrined in the Adoption of Children Act 1964, began as early as 2001. The subsequent consultation included some five months of public submissions, public forums and focus groups in 2002. It included an adoption consultative forum, with membership drawn from organisations that represent the various adopted person, adoptive parent and birth parent stakeholder groups, which sat during 2004-05. The consultation included another tranche of consultation and public submissions on two policy papers released in 2008 titled *Future adoption laws for Queensland* and the *Balancing privacy and access: adoption consultation paper*. So after a combined period of eight years, we finally get to the point at which we can consider this bill. Hallelujah!

It is not surprising, therefore, that many individuals and stakeholders have eagerly awaited this long overdue modernisation of the Adoption of Children Act 1964. Whilst I understand the need to update the act, I maintain some significant concerns about the bill as it stands. I do not speak from a position of naivety, either. Like many in this House, a number of my immediate family members have had both positive and negative experiences under the current act. A number of constituents have also approached me about their views on this bill.

My first concern relates to the relaxation of the eligibility criteria for those couples lodging an expression of interest to adopt. I, too, add my support to the restrictions that, as the explanatory notes outline, same-sex couples and single people will not be eligible to lodge such an expression. But I would not be true to my upbringing and the upbringing that my wife and I are trying to provide to our children, not to mention the ethics and faith I hold to, if I were not to express my personal concern that de facto couples will now be considered eligible. I have previously stated my belief that there is one relationship alone that is designed for the purposes of rearing and raising children and that is marriage, and I do not retract from that belief. Children thrive, children grow and, ultimately, children learn commitment, dedication and love themselves when they witness it in their parents. I will always speak in favour of marriage and for that reason I am disappointed in this change to the act.

If I put my ethics aside for a moment, I also question this proposed change from a pure numbers perspective. As the explanatory notes outline, the number of children who are adopted each year is in steady decline. Last year, a total of 90 children were adopted. Of those, some 21 involved adoption by a step-parent. So that leaves only 69, 51 of whom were international adoptions. Has the number of couples seeking to adopt diminished as rapidly? No, it has not. As evidenced by the fact that the department of child safety has had to close the register periodically, there are already more than enough couples awaiting potential adoption. Might I add that that waiting time is tortuous for the potential adoptive parents. Because there are so many interested in adopting and so few to be adopted, there are simply no guarantees. There are rigorous, and rightly so, interviews and there are expenses. Add this uncertainty and this appropriate

scrutiny and this cost to the hardships, such as infertility, that these couples are already experiencing, and you potentially have very stressed individuals and couples. Why add to this stress?

Even if, as the minister proposed in his second reading speech, the number of children to be adopted each year were to increase with the One Chance at Childhood initiative—a contentious decision in its own right—there are still more than enough married couples ready and waiting to adopt. In short, broadening the eligibility criteria my be more equitable, but it is not necessarily a solution.

My second area of concern surrounds the proposed changes to accessing identifying information. Clause 343 of the bill proposes to retrospectively alter a person's expressed objection to the release of identifying information to another person associated with the same adoption which occurred before 1 June 1991. I know this parliament considers retrospective legislation only in the most justifiable of cases. Whilst the minister, in the explanatory notes and in his second reading speech, has outlined some of his justifications, I do not agree that they give sufficient regard to the rights and liberties of those involved in an adoption before June 1991.

I would like to consider some of those justifications. Firstly, there was adequate and extensive consultation on the matter of privacy and of access to such information. That is not entirely true. Unlike other aspects of the current act, section 39AA of part 4A of the act was not included in the terms of reference of the earlier 2002 reviews. In fact, this element of the review—the unconditional release of identifying information—was only added in July 2008 with a consultation period of some 10 weeks. Notification of the change in the review's terms of reference was distributed to only adoption stakeholder groups and support groups, current prospective adoptive parents, community groups and families of some adopted children under the age of 18 years of age—noticeably families not impacted by these changes. No notification was sent directly to those most adversely affected by this proposal—the 1,168 birth parents and the 1,719 adopted people who have current legal objections to their information not remaining private. Even then, to use the justification that 65 per cent of the 321 respondents believe that the current Adoption of Children Act 1964 does not achieve a fair balance between the interests of adopted people and birth parents who would like to obtain identifying information is simply outrageous.

Although I respect that some of the 210 Queenslanders who responded in favour of such changes may have very serious cases for why they are in agreement, to suggest that they represent the nearly 3,000 birth parents and adopted people who have lodged objections is unjustifiable. More outrageous would be to compare that number—210—with the 350,000 Queenslanders the government itself acknowledges are involved in adoption. To use the feedback from consultation as justification for the changes—feedback not necessarily from those most affected—is tenuous at best. Secondly, the explanatory notes point out the relatively arbitrary arrival on a dividing date of 1 June 1991 vis-à-vis 1 March 1991. Arbitrary or not, a date was settled on and individuals involved in adoptions prior to that date have an expectation that the law will remain the law and that their privacy will be respected.

The third justification is that those affected will still be able to lodge objections to being contacted. I am sorry, but as other speakers have highlighted already, that simply is not the same. Experience has shown that, despite promises and penalties, individuals will flout such objections, creating greater trauma for all involved. The justifications just do not stack up and I call on the government to reconsider this proposal to change the information privacy and access clauses of this bill.

I would like to return briefly to the One Chance at Childhood initiative and its relationship to this bill as outlined by the minister in his second reading speech and in a recent media release. As a former employee of the Department of Child Safety, I know that the debate continues to rage with regard to the merits or otherwise of this initiative. The jury is well and truly out when it comes to the effectiveness of adopting children affected by abuse or neglect. Principal among the concerns is that these children suffer considerable trauma as a result of the abuse and neglect, trauma that is often compounded by their removal from their natural families, trauma that if untreated and uncounselled has the potential to manifest itself in difficult behaviours later in their lives.

Whilst I acknowledge that the One Chance at Childhood initiative targets children aged nought to four and, in the first instance, their foster carers, there is little doubt both will experience troublesome times as the children grow if this trauma is not professionally addressed. Should these children as a result not have access to loving and caring families? No, I am definitely not saying that. But I do caution any prospective adoptive parents to ensure part of the adoption arrangements include acknowledgment of and ongoing resourcing for trauma counselling.

Adoption is rightly an emotional issue. My intention in contributing to the debate today has not been to exasperate or increase the feeling involved in this delicate subject; my intention has been to represent not only my personal beliefs but also, more importantly, the opinions of the significant proportion of my electorate and Queensland as a whole. In conclusion, I ask the minister to also consider these views as part of this ongoing debate.