



Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Tuesday, 18 August 2009

ADOPTION BILL

Ms GRACE (Brisbane Central—ALP) (2.45 pm): I rise to speak in support of the Adoption Bill 2009. I am quite proud to rise to speak to this bill because, as an adoptive parent, I have firsthand knowledge of some of the changes that are being embraced in this legislation. I welcome many of the changes that have been put forward in this bill today.

There is no doubt that adoption is a journey for life. Having been on the waiting list for nine years and seven months before our wonderful daughter arrived, we know only too well of the gruelling wait, the processes you go through with questioning and the assessment processes that are part of adoption, as well as, of course, the joys that come when you finally receive that phone call to say that your child is ready to be picked up. I will never forget my husband, Michael, on the day we had our interview before we were able to go and pick up our daughter. The whole house was open—the windows, the doors; the whole thing was a very welcoming situation. The department worker came in for the final assessment and discussion before we were able to pick up our wonderful daughter. To say that we are still absolutely and totally besotted I think goes without saying. It has been one of the most remarkable experiences of our lives. It is a wonderful joy for couples and people who cannot have their own children to be able to adopt under the Queensland general adoption list. It is a great benefit and it is a wonderful experience. So I welcome the changes that are incorporated in this bill.

I welcome them for a number of reasons. When we adopted our daughter, it was post 1991. We were involved in the north Brisbane adoption family support group. As convenor and co-convenor of that group, we were very much involved in the discussion that took place post 1991. The significant change that occurred back then was that the whole level of secrecy that existed in Queensland before that time was lifted. When you went into adoption post 1991, you knew very well back then that at some point in time you would be able to obtain identifying information from both sides of the parties involved in adoption, that is, both the birth mother and father and the adopted child and the adoptive parents.

Can I say that, for Michael and I, that was for us one of the motivating factors of pursuing adoption. We were much more comfortable going into the process knowing that at some stage in the future our daughter would be able to obtain that identifying information if she so chose and knowing at the same time that it is a journey, it is not something you can hide, it is not something that is secret and it is not something that is not going to affect you for the rest of your life. It is going to affect you for the rest of your life.

I have thought about the changes that we are now embracing in this legislation. I myself would have loved to be able to embark on an open adoption process, had my husband and I had that opportunity. I welcome it. It is a system whereby one can plan meetings throughout the adoption journey and the plan can be changed at any time. It is the adoptive parents who will have the control. It is a system that constituents of mine have been lucky enough to engage in and one from which their child has benefited greatly, not so much in the contact with the birth mother but with their siblings. It has been a remarkable journey that they say has transformed their family and assisted them in their life. I very much welcome this legislation that is opening adoptions up so that there is contact throughout this journey through a contact plan that can be embarked upon by the parties to that adoption.

I also very much welcome the situation whereby courts rather than public servants are making adoption orders. This is in line with other states and territories. It is a very sensitive and very significant issue in one's life. It actually quite amazed me that it was a public servant making the order and not the courts. What we have done is bring Queensland up to contemporary community standards, and I welcome this particular change.

I also welcome changes to the expression of interest register. Having been on the register for many years and having heard nothing for a number of years, I think the government is committed to introducing greater certainty for couples who are interested in adoption as a means of forming or adding to their family. The new adoption laws provide for the expression of interest register to generally remain open so that people will be able to lodge expressions of interest at any time. Couples will no longer have to wait for expressions of interest to be called or have to lodge their expression of interest before a particular closing date. They will be able to express interest when they are ready, willing and able to actively proceed through the adoption process should they be eligible and suitable to be prospective adoptive parents and have a child placed with them.

It will still be possible to close the register or part of it if the number of persons listed, having regard to their profiles, is significantly higher than the number needed to meet the anticipated need for adoptive parents. Unfortunately, as we have heard in this House before, there are a lot more adoptive parents on the register than there are babies up for adoption. The majority of adoptions now are intercountry adoptions or adoption of stepchildren by step-parents. The babies who are on the general adoption waiting list can be numbered in the teens.

It is good that the director-general will make the decision to close the register or part of it to reduce the likelihood of unnecessarily raising the expectations of some people that they will be able to adopt a child. As well, it will mean the privacy and personal affairs of people who are not likely to be required to meet the needs of children requiring adoption will not be intruded upon unnecessarily, given the intrusive and personal nature of the expression of interest and assessment processes. There were questions that we were asked during the processes that I never thought I would be asked.

The bill clearly states that inclusion of a person's name in the expression of interest register does not give them the right to be assessed to see if they are suitable as an adoptive parent. It is a privilege and not a right, and the legislation reinforces that. I believe that it is a step in the right direction. The bill provides that a person's name will be removed from the expression of interest register after two years if the person has not been invited to move through to the next stage of the adoption process, which is the assessment. I think this regular contact is terrific. It is something that was lacking when we went through the process and I think it shows that the process is actually working. The fact that the person has not progressed to the next stage indicates that they have not been required to meet the placement needs.

The current expression of interest register contains names of people who have deferred consideration of their expression of interest while, for example, they continue with fertility treatment. Their expression of interest may also be inactive if they have been successful in conceiving a child naturally but they have neglected to withdraw their expression of interest. I know that that has happened in the past. However, a person may lodge a new expression of interest and in so doing demonstrate their ongoing commitment to the process. This system guarantees that people reconsider their decision to pursue adoptive parenthood at regular intervals. It also ensures that the expression of interest register contains only the names of people who are currently committed to the adoption process. In recognition of the automatic expiry of expressions of interest after two years there will no longer be a fee payable to lodge an expression of interest, which I also applaud.

Eligibility is also extended in this bill to de facto couples. I believe that this is an enormous step in the right direction. I do not agree with some comments from other members of this House expressing concern about de facto couples being able to adopt. I believe that if they have been together for two years the simple fact that they have not decided to marry will not make them any better or any worse parents. There is a process that has to be gone through and there are assessments that need to be made, and I believe that a couple who demonstrates that they have been together for two years and are committed to raising a family should not be denied that right simply because in our view or in some other people's view their values are not as high because somehow they have not made that marriage commitment. I totally refute that way of thinking. It has almost been cruel to deny people in the community who are de facto couples this right. I applaud the move to extend this to them.

I have had many representations in relation to the Adoption Bill, particularly from the LGBT communities in my electorate. I must admit that they have put forward some very strong cases about their ability to adopt. We have had some very good discussions, and I very much thank them for coming to see me. I respectfully say that I fully understand their views and all of the issues that they raised. However, this bill does not provide for the ability for LGBT community members to adopt. When I spoke to them, what I saw to be more important to them was the ability to have co-parenting rights. Can I say how much I applaud the statements made in this House today with regard to what will be changes to the surrogacy law

which will give same-sex couples the ability to engage in altruistic surrogacy and also implement a system of co-parenting rights. I fully support them. I would like to see the detail of that legislation. I welcome this for the LGBT communities that are a big part of my constituency. I think they deserve it. I think the children also deserve to have the same rights as other children in our society.

I also thank PFLAG, the Parents and Friends of Lesbians and Gays support group, and in particular the president, Shelley Argent OAM, who just this week wrote about same-sex co-parenting rights. I will be very happy to respond to that letter to let them know what we as a government intend to do to give them those co-parenting rights.

One of the issues in the legislation that is controversial, and probably one that I have had the most representation on, is access to identifying information. I have respectfully listened to all sides of this debate and I have welcomed members of my constituency plus the various groups who have come to my office to discuss their concerns about this issue. The views on this issue are very polarised. Just this week a letter came to my office urging me to support the changes and expressing—

Words cannot describe the torment and frustration I have experienced in my 17-year search for self identity. Now, almost two decades later, the only thing that has changed is a deepening of my resolve, if that is possible.

That is one side of the debate from a person who wants this removed and wants identifying information open, but I get the exact opposite of that from those who are very strong about keeping the records closed, about wanting to maintain a register where there is no contact and wanting to ensure that is honoured by the government.

I think we have the balance right. It is a very difficult, very complex issue and I understand both sides of the argument. In the early 1990s when we were advocating for an open adoption process—one without secrets—for me one of the main motivating factors was my own daughter. I thought about my daughter turning 18 and having a desire to find her roots and to get identifying information, and how cruel it would be if someone had put a 'restricted' or 'closed to identifying information' process in place for the duration of her life. She would never have been able to have obtained that information. I cannot help but think how cruel that would have been.

I understand the people who want things to remain as is and I welcome that objections will now be known as contact statements. People say making it an offence to contact when there is a statement in place does not go far enough, that it will not be a deterrent and that people will breach it if they so wish. However, we are legislating to ensure that we get the balance right. The people who have put contact statements in place and those seeking information will be interviewed. Department people will assist them. They will be able to obtain signed documents and they will be informed of the necessary conditions of the legislation about an offence that will carry a penalty of 100 penalty units or \$10,000, or imprisonment for two years.

I respect the views of those who have come to see me. However, I think the legislation is a step in the right direction. In circumstances where quite clearly it would be detrimental to release information, the Children's Court will be able to make an order directing that Child Safety Services not release identifying information. This could be done in the rare circumstances where there is an unacceptable risk and the release of the information would put the safety of the person who is identified at risk.

I also welcome in this legislation the establishment of a dedicated postadoption support service for Queensland. I believe the service is much needed and it will give those involved in the adoption process the ability to obtain government services and assistance through what can be a very long, arduous but totally fulfilling part of one's life. Having said those words, having listened to all of the arguments put before me and having respected and understood all of the issues that have been put to me from both sides of the debate, I am very proud to commend the bill to the House.