



Speech by  
**Ros Bates**

**MEMBER FOR MUDGEERABA**

Hansard Tuesday, 18 August 2009

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## **ADOPTION BILL**

**Ms BATES** (Mudgeeraba—LNP) (3.37 pm): I rise today to make a contribution to the debate on the Adoption Bill 2009 following extensive consultation with members of my community. It is their views that I am representing in this chamber today. The objective of the bill is to provide for the adoption of children in Queensland and for access to information about parties to adoptions in Queensland in a way that promotes the wellbeing and best interests of adopted persons throughout their lives and supports efficient and accountable practices in the delivery of adoption services and complies with Australia's obligation under the Hague Convention on Protection of Children and Cooperation with Respect to Intercountry Adoption.

The bill seeks to repeal the Adoption of Children Act 1964 and seeks to provide a more contemporary process for adoption of children in Queensland. Queensland, the so-called Smart State, has lagged behind the rest of Australia in adoption reforms. Consultation on reform began in 2001 and now eight years later we are finally debating this bill in this place.

This piece of legislation has taken eight long years to get here. A cynical person may well ask whether the government has an ulterior motive for this legislation. Given the economic black hole this government has sunk us into, the fact that this legislation will allow children currently in care to be adopted means the government does not have to fund their upbringing and therefore gets them off the books.

We must ask ourselves whether saving a few dollars against the best interests of our children and communities is really what we want to achieve for our state. What is in the best interests of the child? This is the core ingredient of this legislation that needs to be focused on and indeed should form the basis of any child safety policy.

Is it in the best interests of a child to have their future decided by a chief executive officer and not the Supreme Court? A chief executive officer will make their decision by relying on reports and/or investigations from his departmental officers who are not trained investigators. This is a decision that, if not based on accurate and thorough information, could have a profound and long-lasting effect on the child concerned.

The department is already chronically understaffed, with its workers throughout the state going on strike as those opposite want to cut back their funding. This is a department which is struggling to cope as it is with the number of notifications—

**Mr REEVES:** I rise to a point of order. What the member is saying is untrue and I ask that she withdraw it.

**Mr DEPUTY SPEAKER** (Mr Pitt): Will the member withdraw those comments?

**Ms BATES:** These are facts taken from resources. This is a department which is struggling with the number of notifications and intakes. Innocent children are suffering from neglect or abuse throughout Queensland because overworked case workers missed the signs or cannot get to an at-risk child in time. How can we guarantee that those who will be affected by this adoption legislation will not have to wait

weeks, months or—worse—years before a decision is made on their family unit? How can a change of legislation which has been left in the wilderness by this government for far too long but has urgently needed to be addressed be right in some ways yet be so wrong in others?

Where is the equality when de facto partners are able to adopt after residing together for just two years yet step-families must wait three years? What is more stable—a step-family who have confirmed their commitment to each other and their family unit or a couple who have lived together but not made their habitation legal? The best interest for any child is to be raised in a stable, loving home with strong family values. The latest statistical data on the comparative stability of marriage and de facto relationships indicates that marriages are 5.53 times more stable than de facto relationships. But let us take a step back and look at the big picture. It is time to recognise that we have failed as a community when there has been an increase of nearly 20,000 children coming into contact with child protection authorities since 2005.

This legislation will allow the chief executive officer to make a decision to allow an adoption by a person with a serious criminal history if they are satisfied it is an exceptional case. As pointed out by the shadow minister, the member for Bundaberg, how satisfied exactly does the chief executive have to be? A person who has been convicted of an offence by their peers in a court of law can now go ahead and apply to adopt a child. A serious crime may include rape, arson or paedophilia. Can the minister categorically state that this would be in the best interests of a child? Widespread consultation has not been ongoing as stated by the Queensland government. Why have the 1,168 birth parents and 1,719 adopted people who have registered objections to the release of identifying information and/or contact not been notified?

The government claims that this bill has been put forward to modernise the adoption process. This bill will introduce extremely harsh adoption laws that will allow the Department of Child Safety to apply to the court to remove consent of birth parents in the adoption process that will allow for the forced adoption of a number of children in long-term foster care. As stated previously, the high staff turnover and relatively inexperienced staff levels within the department give rise to questions as to whether Child Safety staff are best positioned to be making judgements as to who is a fit parent when the department has minimal early intervention processes in place to judge whether the parents of children in foster care have been given enough support to correct their situation.

With more than 25 per cent of children in foster care identified as Aboriginal or Torres Strait Islanders, there is some concern that Labor's approach to adoption could lead to a new stolen generation. The bill paves the way to enact the Labor government's One Chance at Childhood policy. This will see Child Safety putting more children who are in foster care up for adoption so that it can clear the books of children currently in care. Of further contentious concern is the move to open adoption whereby information on adopted children and birth parents will be more freely available to other parties.

The protection of Queensland's children is of paramount importance and there is a need to establish the necessary framework to achieve the intentions of this bill. The Adoption Bill 2009 seeks to rectify the legislation that currently makes Queensland the most restrictive regime of all Australian jurisdictions when it comes to the release of identifying information. As the public consultation paper *Balancing privacy and access: adoption consultation paper* states, the government's goal in reviewing this section of the bill is to give all people the same access to information about their family history while maintaining the right to privacy. The amendments in this bill take this principle further by omitting the two different laws for people adopted before 1 June 1991 and after and applying the same standard of legal protection for people who do not wish to be contacted by either an adopted child or a birth parent.

In summary, whilst the LNP supports the government's attempts to modernise the adoption act, there remain serious questions regarding the eligibility process for adoption and indeed the protection of privacy for those individuals who have no desire to have their past revealed. I commend the bill to the House.