Speech by

Shane Knuth

MEMBER FOR DALRYMPLE

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ADOPTION BILL

Mr KNUTH (Dalrymple—LNP) (4.53 pm): The Adoption Bill 2009 has been introduced by the government, which claims that it will modernise adoption laws in Queensland. However, there are concerns with the section of the bill that allows for the unconditional release of identifying information. I have had conversations and received correspondence from a number of people concerned with this section of the bill, especially considering that the initial terms of reference did not include this section. The government stated that the consultation period for the whole bill has been ongoing since 2002, but the fact is that this section was not included until July 2008 and the consultation period closed in September 2008, leaving those affected with only a small window of opportunity to voice their concerns.

This section will only affect those adopted or families of those who made the agonising decision to adopt prior to 1991. These people were not notified that the terms of reference were changed. These people are those who currently have in force a legally binding agreement protecting their identifying information, and yet they were not consulted. While these families are able to register objections to contact, and the government states that these are generally honoured by all parties, experienced helpline counsellors disagree. Their experiences suggest that the objection to contact is frequently breached, and the reason there has been only one prosecution since 1991 is that permission is required from the minister to prosecute. The process was too difficult, so instead those affected were referred to counselling to pick up the pieces of their shattered lives.

The unconditional release of identifying information has major issues for those adopted children with intellectual disabilities and their adoptive families. The situation that will occur if this legislation is enacted has the potential to cause great distress and confusion for these adoptees. Once again, we see legislation created with the belief that one size fits all. This is not the case. In cases involving adoptees with limited mental capacity, adoptive parents are concerned that their rights to veto information are being overlooked and diminished by this legislation. We understand and appreciate the desire of birth parents to know their children and the rights of adoptees to know their birth parents, but what about the adoptees who do not have the intellectual capacity to understand adoption? Their rights to be secure in the knowledge that they have parents—their adopted parents—will be eroded if another party is allowed identifying information about them, especially if contact is made.

At present, current laws restrict adopted people and birth parents who were involved in an adoption prior to 1991 accessing information if one of them objected to the release of the information. Now the government is reforming the law to ensure equal access to identifying information by all birth parents and adopted persons. People will not go to the trouble of applying for identifying information unless they wish to make contact. How is the government going to enforce the no-contact preference, especially in the case of adoptees with limited capacity to understand the situation?

The minister in his second reading speech stated that the court will be able to make an order preventing the release of someone's identifying information to another person if doing so would pose an unacceptable risk of harm. This requires adoptive parents of an intellectually disabled adoptee to get a court order preventing identifying information for their child to be released. Why should the adoptive parents have to go to court?

The protection mechanisms are already in place, and this legislation is making it harder for the adoptive parents of an intellectually disabled person to maintain their rights and responsibilities to protect the emotional wellbeing of their adopted child. What if the adult guardian has guardianship of these adoptees? Will they have the same level of concern for the adoptees that the adoptive parents have and be willing to go to court to receive an order preventing the release of such information?

The number of people affected by this legislation in the situation raised is very small, but the risk of confusion and distress is very high. There needs to be more safeguards for these adoptees and their adoptive parents. The adoptive parents should have the overriding authority with regard to adoptees with limited mental capacity to fully comprehend adoption. Their rights should not be eroded or effective only if a court order suppressing identifying information is acquired. Unless overriding authority is granted, as one affected parent suggested, once an egg is cracked it cannot be put back together.

These mature adopted people and birth parents whose lives will be disrupted by these changes have not been given a reasonable opportunity to voice their opinion. Their objections to the release of information will be ignored, and the reality is that the consequences for these people who have had to live their lives with the knowledge and sometimes secrecy of what occurred in times of great stress will be devastating. Common consequences of this type of unwanted intrusion into the lives of people include family breakdown, depression and fear.

One of the big concerns with this legislation is that a couple in a committed de facto relationship of two years or more will be able to adopt. This is a great concern because two years is a very short space of time to commit to each other in a de facto relationship. The question that needs to be asked is: how can you commit to adopt a child for the rest of your entire life when you cannot commit to each other when it comes to marriage? I believe in times to come that this will open another can of worms, and there will be a lot of problems as a result of this. I would like to bring that to the attention of the House.