Speech By

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ADOPTION AND OTHER LEGISLATION AMENDMENT BILL

Ms BATES (Mudgeeraba—LNP) (9.34 pm): I rise to make a contribution to the Adoption and Other Legislation Amendment Bill 2016. This bill was introduced to the House on 14 September 2016 and referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, which was asked to report back to the parliament by 26 October 2016. The bill we are debating tonight is the result of a review into the Adoption Act, which was the most significant overhaul of Queensland's adoption system that we have seen since the 1960s. Because of the scale of the Adoption Act, the act requires a legislative five-year review period, which lapsed in 2015.

The review process was undertaken over a six-month consultation period that saw a total of 356 individuals and organisations participate in the public consultation, including 216 responses to an online survey, 77 written submissions and 63 individuals participating in interviews or focus groups. The objectives of the review were: to determine the extent to which the act has improved birth parent consent requirements, including to what extent the introduction of the decisions made at the Childrens Court provide for an additional and independent oversight in an adoption process; the operation of the eligibility criteria of the act and how the operation of the act has impacted on couples expressing an interest to adopt, including those excluded from expressing interest; the operation of the act as it provides for how children can be adopted by a step-parent; open adoption practices in Queensland; and how the operation of the act has impacted on parties and eligible relatives to an adoption accessing adoption information, including the operation of contact statements.

As members would be aware, adoption in Queensland must comply with the requirements of the Adoption Act 2009 and the Adoption Regulation 2009. Adoption can only be arranged through Adoption Services, which is part of the Department of Communities, Child Safety and Disability Services. It is an offence to privately arrange an adoption in Queensland. Adoption services are provided to parents considering adoption for their children, children requiring adoptive placements, people seeking to adopt children and people seeking information or to lodge a contact statement in relation to a past adoption.

This bill makes a number of changes to the management of adoptions in Queensland, including seeking to broaden the eligibility criteria to enable single persons, same-sex couples and persons undergoing fertility treatment to have their names placed on an expression of interest register. It removes the offence for a breach of contact statement for adoptions that occurred before 1991, while retaining departmental obligations as a safeguard. It enables the chief executive to consider the release of identifying information to persons under 18 years of age in exceptional circumstances without consent from adoptive or birth parents, and it broadens the definition of 'relative' to include future generations of kin.

The bill requires the court to be satisfied that exceptional circumstances apply to allow a change of a child's first name in the final adoption order. It enables the chief executive to facilitate contact between parties to an adoption during interim orders. It streamlines processes for adoption by a step-parent. It makes minor technical amendments to clarify the intent of the existing provisions and it makes

consequential amendments based on the endorsed policy objectives. The bill enables guardians of children on long-term care orders in the child protection system to be considered for adoption, which was a recommendation of the Carmody inquiry, and it requires a further review of the act in five years time.

From the outset, I highlight that adoption in Queensland can be considered as a very divisive issue with its history invoking a broad range of emotions due to a chequered past. I acknowledge the work done by the former LNP government in rightfully apologising in this House to those people who were affected by past forced adoption practices. The apology reflected recommendations made earlier that year by the Australian government Senate Committee Inquiry on the Commonwealth Contribution to Former Forced Adoption Policies and Practices that a formal statement of apology be issued by the Commonwealth, state and territory governments to people affected by forced adoptions. We issued that apology to ease the pain of those affected and to make other Queenslanders aware of the history of forced adoption. When considering any changes to adoption legislation in Queensland, it is important that we always acknowledge those who have been affected by past adoption practices. Adoption is an emotive issue and any significant changes to the Adoption Act and the way that adoptions are administered in Queensland inevitably bring with them public commentary.

I know that many members may have received a notable volume of correspondence about this issue, with firmly held beliefs surrounding what people from different backgrounds consider the best way forward for adoption in our state. What we must always consider when reviewing how our state administers adoptions is how we can ensure children are provided the best possible care and placed into loving homes so that they can have the upbringing they deserve.

Unfortunately, whilst this bill is supposed to be a once-in-five-year chance to improve our adoption system, it contains a number of unresolved issues which are a result of this bill being rushed through the parliament. Whilst supporting the passing of the bill through the second reading, the opposition will divide on specific clauses that seek to expand the eligibility criteria for adoption to single people and same-sex couples.

The government has not demonstrated the need to expand or grow the number of eligible adoptive parents based on very limited numbers of children needing adoption in Queensland each year. The fact remains that, despite all of Labor's talk on this issue, they have not addressed the fact that there is no demand for adoption in Queensland. Because of this, any expansion of the right to adopt to single people and same-sex couples will do nothing but create an unrealistic expectation amongst these Queenslanders that they will have easy access to adoption.

In reality, only 48 adoption orders were finalised, of which only 21 were Queensland adoptions, last year, 2015-16. There are a small number of children in Queensland who require adoptive placements compared with the number of persons interested in adopting a child. On average the department receives fewer than 10 expression of interest applications for local adoption and fewer for intercountry adoptions per month. In 2013-14 there were 34 children adopted in Queensland comprising nine children subject to a local final adoption order. In 2014 there were 139 couples on the expression of interest register and 45 on the suitable adoptive parents register for Queensland adoption.

Current restrictions under the act stipulate that to lodge an expression of interest to be added to become a prospective adoptive parent: the person's spouse must not be the same gender; the couple must have been living together as spouses continuously for two years and be currently living together; at least one member of the couple must be an Australian citizen; the female spouse must not be pregnant; the person must not be undergoing fertility treatment or have undergone fertility treatment within the previous six months; the person must not be an intended parent under a surrogacy arrangement; if they were previously an intended parent, the arrangement must have ended more than six months earlier; and the person must not have custody of a child under one year of age or who has been in their custody for less than one year, other than custody of a child in a capacity as an approved carer under the Child Protection Act 1999.

Even with all these strict guidelines for prospective adoptive parents, there is still a situation in this state where prospective parents are waiting years to adopt children after getting on the waiting list, meaning that there are not enough children seeking adoption to warrant a relaxation of the eligibility criteria. On this sort of data, couples who apply today to adopt a child in Queensland may not have their application finalised for a number of years into the future, yet this government wants to expand the number of people eligible to adopt in Queensland without demonstrating the need to.

As we all know, Labor's record on this issue is inconsistent. Labor are out running the line that these amendments are in line with New South Wales and Victoria, yet it was Labor in New South Wales that changed the law in 2010, not the current Liberal-National coalition—as if this is some justification for Queensland just following. Of course, their position today is very different from their position in the former Labor government, in which many of today's cabinet served as ministers.

As members who held their seats during the 53rd Parliament may recall, in 2010 the Labor child safety minister, Phil Reeves, who was also from the Left of the party, said at the time that altruistic surrogacy was different from adoption because the biological mother made a personal choice about who the parents of her child would be. He said altruistic surrogacy was an individual choice that the government does not seek to influence.

In the case of adoption, however, according to Reeves, it is the role of the state to place a child with parents. At that time, Reeves said the majority of adoptions in Queensland resulted from intercountry arrangements with overseas countries, none of whom accepted applications from same-sex couples. Current intercountry adoption services have not shifted significantly in the last six years and this position would still be relevant today. Reeves said in 2009—

In an environment when you have such a small number of babies and such a large number of couples seeking to adopt, the onus is on the state to make a judgement about the best possible placement for a child and the prospect of that being anything other than opposite sex couples, we think is very low.

Not much has changed since 2009. Adoptions are at record low levels, yet this Labor government's position has suddenly shifted without justification, unless we count the fact that the Left faction of Labor is now running the show. Queenslanders should be rightfully concerned about the way in which this Labor government is attempting to pass this bill through the parliament following a rushed committee process with very little consultation.

It should be highlighted that, after its examination of the bill and consideration of the information provided by the department and from submitters, the committee was unable to reach a majority decision as to whether the bill should be passed. The committee's deliberations and investigations largely centred on the submissions from stakeholders and members of the public surrounding the expansion of adoptions to single people and same-sex couples.

As I have said before, this is an emotive issue which brings with it very strongly held beliefs, and this was reflected in the committee hearings. I am encouraged, however, that despite the very strong views on either side of this debate surrounding same-sex and single parent adoption, submitters were united in their view that we must legislate to protect the rights and the best interests of the children involved.

As was noted in the committee report, some contestability surrounding the methodology of research which was drawn from by those on both sides of the debate ensued during the public hearing. Some submitters noted the ideological bias surrounding both sides of the argument, and the way that one's world view will affect their own opinion on this debate.

In addition to the more widely publicised aspects of this bill, a number of more minor and technical amendments, including those surrounding a future review, are included. This includes changes made to correct an oversight regarding a person's eligibility to remain on the suitable adoptive parents register when transitioning the suitable adoptive parents register from the former act to the register under the act, such that persons transferred from the register of the former act who are no longer eligible may be removed from the suitable adoptive parents register.

The bill also corrects an oversight to allow long-term guardians under the Child Protection Act 1999 to be selected for assessment of suitability to adopt a particular child, in the same way that approved carers under the Child Protection Act 1999 may be selected. It amends preconsent time frames in section 19 to reflect the difference between the date when a person has received preconsent counselling and the date when a counsellor swears a statement confirming the counselling has been received.

It clarifies that the chief executive may place a child awaiting adoption in the care of one or more of the child's parents under section 60(1)(b) if it is at least 30 days since at least one parent's consent, rather than each parent's consent, for adoption was obtained or the need for their consent has been dispensed with. The bill clarifies that the chief executive's guardianship does not end when the chief executive is a child's guardian under section 57 at the time the child dies, such that the chief executive may act in relation to matters such as religious ceremonies and burial, taking into consideration the preferences of parties to adoption where appropriate.

Through the introduction of this bill and the subsequent committee consideration it remains unclear how far the department intends to take recommendations of the Carmody inquiry for children in long-term guardianship arrangements to be considered for adoption where reunification has failed. We now have more than 9,000 children in out of home care and over 5,870 with long-term guardianship orders, of which 4,241 were to the chief executive.

It was Carmody's recommendation that further consideration be given to the use of adoption for these children under long-term guardianship orders where reunification has failed or is not possible. The government has not properly explained how this bill will address that and what impact it will have on the child protection system. In fact, when we asked a question on notice on this very issue, the minister advised that no records of existing expressions of interest are even kept.

In summing up, the opposition recognises the importance of reviewing our adoption practices in Queensland through a legislative review. It is encouraging that we are both reviewing this legislation today and providing for a future review in several years time. We must never forget that, whether it is adoption or child protection, our actions must be guided by the guiding principle of the best interests of the child. Adoption is not about appeasing someone wanting to adopt but is about finding a child the best possible home in which to grow up happy and healthy.