




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

Record of Proceedings, 14 September 2016

ADOPTION AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (4.02 pm): I present a bill for an act to amend the Adoption Act 2009, and the acts mentioned in schedule 1, for particular purposes. I table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Adoption and Other Legislation Amendment Bill 2016 [[1522](#)].

Tabled paper: Adoption and Other Legislation Amendment Bill 2016, explanatory notes [[1523](#)].

Adoption is a sensitive, complex and deeply personal issue that affects people in profoundly different ways. During my time as minister, I have met many people whose lives have been impacted by adoption in some way and each of these people has experienced a very different journey. My department has worked closely with many of the key adoption stakeholder groups to undertake a review of the operation of the Adoption Act 2009 to ensure that it continues to provide a contemporary legislative framework to support adoption practices in Queensland.

I would like to thank our stakeholders, many of whom I know will be carefully watching and reading the debate in this House and will be active participants when the committee considers the bill. I thank them for their ongoing commitment to working with us to ensure that we continue to improve adoption practices so that we learn from and do not repeat past mistakes. I would also like to particularly thank those people who shared personal stories of their own experiences with adoption. I appreciate that for some people this would not have been easy. The overarching finding of the review was the act is operating as intended; however, a number of opportunities to further improve Queensland's adoption practices were identified and are implemented through this bill.

Eligibility to make an expression of interest

Since commencement of the Adoption Act, community expectations across Australia and internationally have shifted in line with evolving notions of family. Queensland is now out of step with other states and territories of Australia when it comes to fair and equitable eligibility criteria. There is clear evidence that same-sex couples and single people can provide loving and nurturing family environments within which to bring up children, including those who are adopted. The bill recognises the need to provide fairness and equity and amends eligibility criteria to enable same-sex couples, single people and people undergoing fertility treatment to adopt a child. This will result in a broader and more flexible pool of people from which to select for assessment as suitable adoptive parents. Importantly, this change will mean more options will be available for matching a child to prospective adoptive parents who will best meet the child's individual needs.

Contact statements

The bill also makes changes with respect to contact statements. A contact statement allows an adopted person or a birth parent to outline their wishes about being contacted. They may not wish to be contacted at all or may wish for contact to only occur in a particular way. Contact statements are still being used by a number of people as a way to express their preference around contact. My department heard strong views about contact statements, particularly from those people impacted by forced adoption policies and practices, and the unnecessary trauma and fear created by the legislated penalties for breaching a contact statement. These penalties apply to adoptions that took place before June 1991.

To align with community feedback and changes in other jurisdictions such as Victoria, the bill retains contact statements but removes the offence and associated penalty for a breach of a contact statement. This change will also allow for the consistent operation of all contact statements in Queensland. My department has a legislative obligation to explain the wishes set out in a contact statement to people who apply for information. To provide balance and protect the rights and interests of those who wish to maintain their privacy, this obligation will continue.

Access to information

The bill improves support to adopted persons to enable them to learn about their birth family, history and the circumstances of their adoption by improving access to information while continuing to acknowledge and respect people's right to privacy. It extends the definition of 'relative' as it relates to people who may access information on behalf of another person and who may consent to the release of information on behalf of another person. 'Relative' is extended to include grandparents, grandchildren and people who are recognised as parents and children under Aboriginal tradition or island custom. This amendment will allow an extended group of people to obtain adoption information if birth parents or the adopted person is deceased, cannot be located after reasonable enquiries, or if they do not have the capacity to give consent to the release of information.

The bill also grants the chief executive the discretion to waive the need for consent to the release of adoption information in exceptional circumstances. This amendment is considered necessary and appropriate to allow for the preservation of a person's identity and family history and acknowledges the difficulties in locating relatives of parties to an adoption, which can sometimes take many years after the adoption has been finalised. I know that many people welcome these changes to strengthen adoption practices in Queensland. My department will continue to work closely with those people accessing information to ensure they are provided with the necessary support.

Retaining name and identity

The bill also makes some important changes to assist adopted people with retaining their identity. During consultation, strong views were provided affirming the right of a person to know and keep their identity. The bill improves guidance to the courts regarding the importance of retaining a child's first given name when a final adoption order is made. The bill makes it clear that the court should only consider changing a child's first name in exceptional circumstances. The bill also removes any doubt that face-to-face contact between a child and their birth parents can occur during an interim adoption order through the use of an adoption plan. This will support a child's transition to adoption while retaining oversight by the chief executive and only facilitating contact if it is in the best interests of the child.

Further five-year review

In recognition of the continuing evolution of adoption practices and community expectations, the bill requires a further review of the operation of the act in five years time. The review will enable the government to look at the effects of the changes made by this bill and ensure they are having their intended impacts on the children and families who are party to adoptions in Queensland.

Conclusion

This bill will provide Queenslanders with a more contemporary and flexible adoption system that will continue to promote the wellbeing and best interests of adopted persons for years to come. I commend the bill to the House.

First Reading

Hon. SM FENTIMAN (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (4.09 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Madam DEPUTY SPEAKER (Ms Linard): Order! In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.

Portfolio Committee, Reporting Date

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Communities, Women and Youth, Minister for Child Safety and Minister for the Prevention of Domestic and Family Violence) (4.09 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee report to the House on the Adoption and Other Legislation Amendment Bill by 26 October 2016.

Question put—That the motion be agreed to.

Motion agreed to.