



Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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ADOPTION AND OTHER LEGISLATION AMENDMENT BILL

Second 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) (9.23 pm): I move—

That the bill be now read a second time.

The Adoption and Other Legislation Amendment Bill 2016 amends the Adoption Act 2009 and the Commonwealth Powers (Family Law-Children) Act 1990. The bill expands the eligibility criteria for people who may express an interest in being assessed for suitability to be an adoptive parent. The bill also removes the offence and associated penalty for a breach of a contact statement for adoptions finalised before 1 June 1991 and improves access to adoption information.

These reforms have been guided by extensive consultation with community—in particular, with people who have been touched by adoption, including people who have been adopted, parents subject to past forced adoption practices and people who, because of the sex of their partner, have been barred from even considering adoption in Queensland. Through the consultation Queenslanders continued to support the guiding principles remaining in the act. The wellbeing and best interests of an adopted person, both throughout childhood and the rest of his or her life, are paramount. The bill reaffirms this fundamental principle by removing outdated and discriminatory provisions that can stand in the way of the department being able to act in the best interests of an adopted person.

I am so proud that the Palaszczuk government with this debate today is moving to overturn discriminatory laws to make it legal for same-sex couples to adopt children in Queensland. As part of our wideranging review of the operation of the state's Adoption Act, we are seeking to remove the last discriminatory barrier that prevents LGBTI Queenslanders from being able to adopt a child. It is time for Queensland to join other Australian states and territories to remove this discrimination from our adoption laws. Every other state and territory, other than South Australia and the Northern Territory, now support same-sex adoption.

I note that the South Australian government in September introduced a bill to allow same-sex couples to apply to adopt. While Queensland will not be the first to break down this barrier, I am determined that we will not be the last. We as a society do not tolerate discrimination. It is time to end this discrimination. Queensland's Family and Child Commissioner agrees. Queensland's Anti-discrimination Commissioner agrees. Australia's Human Rights Commissioner called for this almost a decade ago. It is time. For too long Queensland's LGBTI community has been barred from even considering meeting the needs of a child through adoption as an option.

Earlier this year I met an incredible couple from Noosa, Julie Carrington and her partner, Lee Sanson. Together they are bringing up their six-year-old daughter. Any thought of adoption has, up until this point, simply been off the table for this family. Should this House pass this legislation today, the discrimination against Lee and Julie will end. I implore this House not to let them down today.

Queensland children requiring adoption deserve to have the widest and best possible pool of potential adoptive parents. Queensland families, including step and blended families, deserve equal right to meet the needs of a child through adoption irrespective of their sexuality.

Along with allowing same-sex couples to adopt, the bill broadens the eligibility criteria to allow single people and people undergoing fertility treatment to have their names entered into and remain on the expression of interest register. We heard during the committee process some people do not believe that this is in the best interests of a child and that a child's best interests can only be met by having both a mother and a father. On this issue I note the committee highlighted the research literature is highly contested due to a range of limitations and questions of ideological bias and this was acknowledged by submitters on both sides of the debate. What I will say is that while it is contested it cannot be argued that the evidence is equally credible. Research that was cited by some included the work published by American professor Mark Regnerus. His work has been widely discredited for serious methodological flaws and bias, including by the American Sociological Association, the American Medical Association, a US federal court and many other fellow scholars.

Meeting the best interests, needs and wellbeing of a child is not dependent on whether a child has parents who are of the same gender, opposite gender or even whether they are raised by a single parent. In fact, there is clear evidence that, regardless of the gender and sexuality of a child's parents, it is positive relationships and a supportive, nurturing and loving home that provides the best outcomes for children. This is based on a number of sources of evidence, including reports by the Australian Institute of Family Studies and the Australian Bureau of Statistics, feedback from the community and empirical research studies from Australia and overseas. We have also drawn evidence from inquiries and reviews in other states and territories, such as the review of the South Australian Adoption Act 1988 and findings of the New South Wales Standing Committee on Law and Justice in relation to adoption by same-sex couples.

The same criteria and rigorous selection and assessment processes that currently apply to heterosexual couples will also apply to same-sex couples and single persons who express interest in being assessed to adopt a child. The department only selects persons for assessment if they are likely to be able to meet the anticipated placement needs of children requiring adoptive placements. The assessment of suitability is a rigorous process. The department gathers information from a range of sources to determine suitability, including seeking expert advice about their health; obtaining information on any criminal or domestic violence history; child protection history; traffic history; certain investigative information from the Queensland Police Service; requesting references from nominated referees; and undertaking home study interviews which are conducted by an adoption officer or adoption contract worker.

The preferences of a child's birth parents are taken into account in the selection of prospective adoptive parents. As outlined in the act, this may include matters such as the child's religious upbringing, characteristics of the adoptive parents and adoptive family, and the degree of openness that they would like to see in the adoption arrangement. Consideration of the birth parents' preferences is important to promote a positive relationship between all parties to an adoption and facilitate open adoption where possible.

Mr Thomas Clark of the LGBTI Legal Service summarised the argument for expanded eligibility criteria perfectly. At the committee's public hearing for the bill, he was questioned on the optimal environment or family unit for an adopted child to be placed in. He said—

If it is a loving couple who looks after that child for its entire life in the best way possible, that is the optimal family situation. It does not have a gender requirement for that to exist.

These amendments will help to better meet the needs and best interests of a child by providing greater diversity in the register from which people are selected to have their suitability to adopt a child assessed.

The committee also heard from people about a very significant change proposed by the bill to remove the offence and associated penalty for a breach of a contact statement that refers to an adoption that occurred prior to 1 June 1991. The bill retains contact statements. Current contact statements remain in place and birth parents will continue to be able to make contact statements. However, the bill does remove the potential fear and trauma caused by the risk of an offence being committed for the breach of a contact statement for people who were involved in adoptions occurring before 1 June 1991.

This offence provision is associated with past practices and responses that are no longer appropriate. Their removal will further honour the apology given to Queenslanders impacted by past forced adoption practices, which was provided by this Legislative Assembly on 27 November 2012. It is important to acknowledge that the anniversary of the apology will occur this month. This year's anniversary will provide a special opportunity to reflect on the reforms we are making in this bill. This change brings Queensland into line with other Australian states and territories such as Victoria and Western Australia.

A common misconception is that contact statements prevent a person from receiving information. That is not correct. Section 272 of the act does make it an offence to use information to attempt to contact a person who does not wish to be contacted where the person is aware that there is a contact statement in place. However, this section does not preclude the department from complying with a request for adoption information. My department will continue to work closely with adoption stakeholder groups and support services to communicate these changes as broadly as possible.

Being able to access information about your own history and life story is important for everyone. The bill extends the circumstances in which an adopted person, birth parent or adult relative can access and consent to the access of adoption information. The chief executive will now have discretion to release information without the consent of a relevant person in exceptional circumstances. This recognises the difficulties in tracing family members who have lost contact with the department and the importance to people over generations to gain this information in order to preserve their family history and their own personal story. The meaning of 'relative' will be extended to include grandparents, grandchildren and people who are recognised as parents and children under Aboriginal tradition or island custom. This will allow more people who are connected to the adoption by family ties to request information or consent to the request for information about the adoption.

I thank the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee for its detailed report on what is a very emotive and complex area of the law. I note that the committee was unable to reach a unanimous decision to support the bill. I also note that non-government members who opposed to the bill did not provide a dissenting report.

If passed, these changes will bring Queensland into line with New South Wales, the ACT, Victoria, Tasmania and Western Australia in allowing adoption by same-sex couples and single persons. I urge all members to support these changes. I remind members to be mindful that their contribution to the debate tonight is being watched by many directly impacted by the discrimination we are seeking to remove. This is an opportunity to make sure that our legislation is up to date and reflects the needs and experiences of children requiring adoption now and into the future. I commend the bill to the House.