



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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ADOPTION BILL

Mrs STUCKEY (Currumbin—LNP) (8.42 pm): I rise tonight to contribute to the debate on the Adoption Bill 2009, introduced initially on 10 February 2009 by the member for Albert and reintroduced without amendment by the new Minister for Child Safety, the member for Mansfield, on 22 April this year. Honourable members have heard from the shadow minister, the member for Bundaberg, that the opposition will be supporting the intent of this bill, although we do have several reservations, and the shadow minister has indicated in his well-researched and challenging speech that he will be moving a number of amendments. This bill makes related amendments to the Adoption of Children Act 1964, the Births, Deaths and Marriages Registration Act 2003 and the Child Protection Act 1999 and makes consequential amendments to other acts as stated in schedule 2.

According to the explanatory notes, the policy objectives of this legislation will be undertaken in a way that promotes the wellbeing and best interests of adopted persons throughout their lives; supports efficient and accountable practice in the delivery of adoption services; and complies with Australia's obligations under the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, better known as the Hague convention. In simple terms, this bill will provide for the open adoption of children in Queensland and allow for access to information about parties to adoption in Queensland. However, I acknowledge that there is nothing simple about adoption. It is a highly sensitive subject that requires equally sensitive handling.

The bill raises some significant issues with regard to fundamental legislative principles, and these include exemption from operation of the Anti-Discrimination Act 1991 relating to the dispensation of the parents' consent to adopt their child; the right to privacy of information; the conversion of information objections to a statement of a person's wish not to be contacted; and removal of capacity to object to release of identifying information. The Scrutiny of Legislation Committee makes numerous comments with regard to this bill, another one being that exemption from the operation of the Anti-Discrimination Act is justified as an essential safeguard for children in the recruitment and selection process of prospective adoptive parents.

Both the Premier and the minister have stated that the most significant reform of Queensland's adoption laws in 40 years is contained in the new Adoption Bill we are debating here in this House. I, along with countless Queenslanders, would hope it would be significant. After all, the government has been sitting on it for about seven years. In the minister's second reading speech he said—

The Bligh government has taken this issue out of the too-hard basket and is delivering fair laws to those people affected by adoption.

Granted, adoption and the associated processes are extremely delicate subjects that require a great deal of understanding and dignity. But there is no plausible excuse to drag out the process, as this cold and heartless government has done, then admit that the whole topic has been put in the too-hard basket and that the act is in dire need of an overhaul. Why was this legislation not before the House last year as promised by the previous minister? It appeared all so briefly in February, but the Premier called an early election which saw it suspended. It was reintroduced in April and has been pushed down the list of bills ever since as supposedly urgent legislation overtook it. For goodness' sake, here we are now in August.

What valid reason does the government have for stalling this long-awaited legislation? Could it be that it was too busy sending the state broke and borrowing as if there was no tomorrow, or was it simply desperate to push through bills that would see Queensland assets sold off at a time of economic turmoil?

Since the inception and operation of the department of child safety five years ago and five years of having a minister specifically dedicated to the portfolio, until now we have seen no measure of substantive legislation in the area of adoption, nor, might I add, in the critical area of child protection. The need for an initial review was suggested in 2001, undertaken in 2002 and resulted in a report in 2003 that sat around gathering dust until the Premier decided that she needed an announcement for the day and decided to release the proposals of the then five-year-old *Future adoption laws for Queensland* policy paper on 14 July 2008.

In what has been described as devious politics, the Premier also announced another review, *Balancing privacy and access: adoption consultation paper 2008*, only allowing those who wished to lodge objections a two-month window to respond. Considering the depth of emotion around this issue, two months would appear to be a grossly inadequate amount of time to properly consult on this topic. This government is so full of rhetoric and hypocrisy it must be firmly entrenched in its DNA. It boasts to be a champion of reform, yet it took over seven years since a decision to review the adoption act to us having this bill before us—seven long years for people to wait while this government fiddled and twiddled.

Members opposite cannot have it both ways. We have had two reviews, four ministers and upwards of 300 children adopted through the system and only now do we have this legislation before us. The two previous ministers did, however, reveal what they thought of parents wanting to adopt from overseas by slugging them with a whopping 250 per cent fee hike. In the second reading speech, the minister thanks the adoption stakeholder groups for offering care and support to people affected by adoption. This is a bit rich when the only thing the former ministers did to acknowledge them was hit them with a huge fee hike. I want to acknowledge these groups for their dedication and many years of lobbying this state government and also the federal government to get a fairer deal. I remember well their protest and meeting their vocal spokesperson actor Deborra-Lee Furness when Minister Keech callously raised their costs to adopt children from other countries. Despite a disallowance motion from the opposition, the 250 per cent fee hike went through. Memories are conveniently short on the government's side of the House.

Notwithstanding these transgressions, I am pleased to see the announcement of a dedicated independent post-adoption support service for Queensland funded specifically to support people who are affected by adoption orders made in Queensland. I jolly well hope we will be seeing it. After years of gross neglect and volunteer organisations left to do the government's work, it is about time. I ask the minister if in his reply he would kindly advise the House how much funding will be allocated for this service, how many staff will be directly involved and what other resources will be required.

As the shadow minister for 2½ years during the 52nd Queensland Parliament, I watched closely as the government, to its credit, doggedly carried out the process of implementing the 110 recommendations from the January 2004 CMC Butler report titled *Protecting children: an inquiry into the abuse of children in foster care*. Mind you, some of the recommendations were not fully implemented or measured for their success, but I acknowledge that genuine attempts were made to implement them. I note the explanatory notes at page 21 state that consultation with all relevant government departments was undertaken. Curiously absent was mention of key industry professionals who are best equipped to advise, hence the suspicion among professionals that the inclusion of the One Chance at Childhood initiative in this bill is more about saving the government money than, as the minister in his second reading speech said—

... the development of contemporary adoption laws for Queensland.

The minister's media release yesterday confirmed their suspicions when he revealed that this legislation is targeting children in foster care and that the government will give first consideration to a child's foster carers when selecting prospective adoptive parents for the child. Can the minister guarantee that every effort will be made to provide support services to families in a genuine attempt at reunification first?

I consulted widely with stakeholders in both the public and private sectors and read innumerable papers, lectures and reports. In addressing this bill, I would like to take this opportunity to thank each of those individuals for sharing their professional opinions and enormous wealth of knowledge in the area of child welfare. Their genuine, somewhat zealous desires to improve the overall outlook for children at risk and, importantly, to include their families is to be commended. Without exception, each person said that this government had failed miserably to provide adequate support services that would, over time, see a reduction in children requiring out-of-home care. Instead, despite recommendation after recommendation from them, the government arrogantly followed a path of reporting, investigation and exclusion.

Not for a moment am I suggesting that reporting and investigating are unimportant. They are indeed a critical part of the process—that is, of course, if the process is not flawed, systems are comprehensive and staff are experienced and well supported by the government. I will be informing honourable members

of many of the views of my stakeholder and advocacy groups as I address the concerns that the LNP has with this bill. I hope honourable members will listen and learn.

So before members opposite start attacking me for uttering false premises, I state clearly that I am representing the views of learned professionals with way more experience than any member in this House and, in particular, more than the new minister and the previous ministers who have had carriage of a very important piece of legislation. Unlike Labor, whose statements about thorough consultation appear on page 21 of the explanatory notes, the LNP listened to them.

I refer to the minister's second reading speech in which he said—

The wide-ranging reform is consistent with the direction of the Government's *One Chance at Childhood* initiative which is aimed at providing stability for children in care in their crucial early years and avoiding the danger of children 'drifting' between parents and numerous foster care placements.

Interestingly, the government did not mention this initiative in either the explanatory notes or the bill. It did not mention the policy of targeting the permanent removal or adoption of children aged zero to four years. It did not mention it until deep into the minister's second reading speech. Labor's own *One Chance at Childhood* document titled *Every child deserves the best start* states that the *One Chance at Childhood* initiative was initiated by the findings of a child death case review which highlighted concerns about the experience levels, training and support of front-line departmental staff; concerns about departmental decision making that did not focus on the best interests of the child; and concerns about limited intervention and services for families. It is no wonder that key professionals are worried, too.

The following statement by the minister in his second reading speech makes obvious the government's dedication to the *One Chance at Childhood* initiative at all costs—

The focus on open adoption will make adoption a more viable option for securing permanent care in a loving family environment for at-risk children and so enhance the effectiveness of the *One Chance at Childhood* initiative.

It is this focus of the government on the *One Chance at Childhood* initiative rather than on the child that has experts worried. Published in 2008 by four leading advocates of child welfare—B Lonne, N Parton, J Thomson and M Harries—the book titled *Reforming Child Protection* sends a strong message to the government when the writers state they are—

... resolute in their conviction that current approaches are failing and by any reasonable measure do not meet the needs, hopes and aspirations of any of the stakeholders who are involved.

Noting again that this book was published only last year, the authors were well aware of the government's *One Chance at Childhood* initiative and indicate that they certainly do not believe it to be a move in the right direction and are fearful of the consequences for all of the stakeholders involved. The authors of this book also—

... challenge the narrow and sometime exclusive use of the 'best interests of the child' principle, which is embedded in nearly all legislative and policy frameworks in Anglophone countries.

On 26 February 2008, QCOSS said that the *One Chance at Childhood* initiative is not a preventive measure and that it is misleading for the government to say that new staff who will be part of the initiative are early intervention officers. QCOSS does not believe that the \$12 million program focuses on early intervention to prevent children getting caught up in the child protection system. Services are simply not adequate for parents who should receive 12 months support in order to prove that they are fit to keep their children. A report commissioned by QCOSS about the cost-effectiveness of early intervention programs in Queensland showed that for every \$1 spent on prevention, between \$2.36 and \$19 can be saved in the long run.

Other professionals note that the *One Chance at Childhood* initiative is a grossly inadequate response to their policy and practice approaches that have had the numbers of children in their care spiralling out of control. They say that it will not work and they know that it will not work because most of the children who are coming into care are not babies, which is the real area of demand in adoption, but are older children who have significant attachment and behavioural issues that make adoption a very difficult proposition indeed. Where is the evidence that there are people out there wanting to adopt these children? The only evidence is from existing foster-parents who have an already long-term relationship with children in their care. According to these professionals, it can seriously complicate the foster care responsibilities and role.

This bill contains a mountain of information about the assessment of adults and their suitability, but what about information and the personal background of children? A number of paediatric diagnoses cannot be made of children under the age of two years. Do prospective adoptive parents not have a right to know if the child they are adopting will require intensive help or assistance? Young children from a disturbed background may have a plethora of medical and social issues that the average parent is simply not equipped to handle.

Professionals in the child welfare field tell me that this bill is nothing more than the government trying to shrug off some of its obligations and reduce departmental costs by not having to pay foster carers

or to provide other services. Where is the data to suggest that couples will want to adopt abused children with unknown problems? Children born to drug addicts, alcoholics and other conditions caused by substance abuse are more prone to severe developmental disorders, autism or epilepsy. Illnesses such as those do not present symptoms early. People who have dearly wanted a child for some time have a right to know if the child is well and not headed for a lifetime of debilitating illness.

Further in the minister's second reading speech he—or whoever wrote it for him—states—

It will also enshrine that the child's wellbeing and best interests, both through childhood and into adulthood, are paramount in all of my department's deliberations.

Further, at page 23 of the explanatory notes under the heading 'Guiding principles' it states—

... the Act must be administered under the principle that the wellbeing and best interests of an adopted child ... are paramount.

Another industry professional says that the government is using the 'best interests' phrase to exclude a whole range of stakeholders and that it is being used narrowly in a bureaucratic sense.

In an unusual twist, the department has inadvertently acknowledged its failures by placing the department of child safety back under the umbrella of communities. This is seen by many as an admission that it did not focus enough on the best interests of the child and their family as it sorely neglected early intervention and prevention strategies for many years.

I note that this legislation finally brings Queensland into the modern age, where the majority of Australians reside, by allowing the courts to determine if an adoption should occur and removes provisions from bureaucrats to do so. The move away from the making of adoption orders by the departmental chief executive to the Childrens Court is a step in the right direction, but it is the opposition's view that they should be heard in the Supreme Court. However, the fact that the chief executive will still select suitable children is of considerable concern.

Topics covered in this bill range from accessing identity to consent, custody, guardianship, eligibility and involuntary adoption of children. Eligibility will be opened up to de facto couples who have been in a committed relationship for at least two years, yet step-parents are discriminated against with a waiting period of three years.