

ADOPTION, SUITABLE FAMILY ENVIRONMENT

631. Mrs EDWARDES to the Attorney General:

I refer the Attorney General to his recognition of public concern over proposals allowing adoption by same-sex and de facto couples and his proposed amendments to ensure those wishing to adopt must, in his words, show a desire and ability to provide a suitable family environment.

- (1) What does the Attorney General define as a suitable family environment and how would he measure an applicant's ability in the context of providing such an environment?
- (2) Who will arbitrate on whether a homosexual couple wishing to adopt will provide a suitable family environment?

Mr McGINTY replied:

- (1)-(2) At the moment under Western Australian law a single gay person is eligible to adopt a child, a married couple is eligible to adopt a child, and a de facto couple in a long-term marriage-like relationship is excluded and is not allowed under any circumstances to apply to adopt a child.

Mr McNee interjected.

The SPEAKER: Order, member for Moore.

Mr McGINTY: Someone living in a marriage-like heterosexual relationship cannot apply to adopt according to Western Australian law. They are excluded, and I think that is wrong. The legislation currently before the Parliament will allow those people to be considered on their merits. Similarly, I believe many gay and lesbian couples would offer a loving, caring, nurturing environment to a child, but at the moment the law says they cannot even apply to adopt. I believe that is wrong. Section 3 of the Adoption Act expresses the interest of the child to be the paramount consideration to be applied when considering adoption. In order to re-emphasise the welfare and the interests of the child, we are proposing to insert in that section of the Adoption Act that deals with the director general placing a child for adoption, which is the act of adopting, criteria that must be met; that is, that the people who are applying, regardless of their sexuality or marital status, must show a desire and ability to offer the child a suitable family environment. The legislation does not currently contain anything that refers to the family environment in which the child will be placed. I believe that is a shortcoming. The director general will place the child for adoption. The Bill provides that he or she must be satisfied that the family environment into which the child is being placed is suitable. I understand that to mean that it is a loving, caring, nurturing environment in which the child will prosper because it knows it will be warmly loved by its adoptive parents. Those are the criteria to be applied. We think it is appropriate that they be inserted in the Act.

We are going one step further and saying that if people feel that they are being discriminated against because of their sexuality or for any other reason, they cannot use a technicality to go to the Equal Opportunity Commission to argue that they are being discriminated against because they were not allocated a particular child. So important is the welfare and the interests of the child that we do not want decisions made in the interests of the child subject to review in the Equal Opportunity Commission, and we will be moving that amendment in this legislation.