ADOPTION AMENDMENT BILL (NO. 2) 2002

Second Reading

Resumed from an earlier stage of the sitting.

MS K. HODSON-THOMAS (Carine) [5.31 pm]: Prior to private members' business, I was making some short remarks on the Bill before us, particularly on the age criteria. I referred to the deliberations on the Human Reproductive Technology Act by the select committee of which I was a member during 1998-99. That committee's report was published in 1999. I see many parallels between this Bill and the undertakings and research done by that committee.

I will make some comments on the address by the member for Churchlands. She made some very good and pertinent points. I hope the minister is mindful of those points and adopts the proposed amendment by the Opposition to increase the age limit of the elder member of a couple. Although the member for Churchlands has correctly requested the removal of the age barrier from the Bill, I appreciate that the minister will probably not accommodate that request. Perhaps she would consider a compromise. The member for Churchlands gave an example of a woman aged 33 with a husband aged 46 who fall outside the Bill's criteria for the adoption of a child, yet a couple both aged 45 would be able to apply for adoption. That is of great concern. As I said, one size does not fit all. There must be an opportunity for people to apply for adoption, always with the view of ensuring that the best interests of the child are paramount. The fact that a couple aged 33 and 46 could not apply for adoption because the husband is one or two years beyond the 45-year age limit is of concern. It is interesting to note that under the proposed amendment to the legislation the age limit to adopt a second child has been moved to 50 years. There is still a great anomaly in the legislation, which amounts to age discrimination. That is a matter of great alarm to me. The minister should seriously consider the proposed amendment by the member for Hillarys to provide couples with the ability to adopt children. It must be borne in mind that there is no presumption that the couple in the member for Churchlands' example would be successful in their application. However, the opportunity to make some endeavours to adopt a child should be provided to that couple. I hope the minister will consider these issues, given the many speeches that have been made by members before me.

I do not want to canvass all the issues in the Bill, but I ask the Government to seriously consider the issue of age limitation, given that it has advocated the removal of discrimination in all areas of legislation. The clause on the age criteria is in stark contrast with that commitment to the community of Western Australia. Mr Acting Speaker -

Mr P.G. Pendal interjected.

Ms K. HODSON-THOMAS: I am sorry, Mr Speaker, I should be wearing glasses.

Mr P.G. Pendal interjected.

Ms K. HODSON-THOMAS: He is a good Speaker.

Mr P.G. Pendal: Nothing will rescue you.

Ms K. HODSON-THOMAS: I thank the member for South Perth. Nothing will rescue me. I am sure you understand, Mr Speaker.

The SPEAKER: I certainly do. I am very young to be a Speaker!

Ms K. HODSON-THOMAS: Yes, you are, indeed, and probably, unfortunately, under this legislation now too old to adopt! I too would be too old to adopt, which is an important issue in this Bill.

Mr M. McGowan interjected.

Ms K. HODSON-THOMAS: I will not make any comments.

This Bill should consider the adoptive couple, not age limitations or age criteria. It should consider whether a couple would be good parents. Obviously a process must be embarked on and undertaken when adopting children. A 34-year-old woman with a 46-year-old husband could well be wonderful parents but this legislation will preclude them from having that opportunity. I hope the minister will at least address some of those concerns when she speaks at the end of the second reading debate. I also ask her to be mindful of the issues that have been well canvassed by other members who talked about privacy in adoptions. That was another area that the Select Committee on the Human Reproductive Technology Act 1991 looked at. We looked at children -

Ms S.M. McHale: You even looked at age.

Ms K. HODSON-THOMAS: We did. We made a recommendation, if the minister recalls -

Ms S.M. McHale: That it should be 50.

Ms K. HODSON-THOMAS: It was actually 55. I was reluctant to increase the age limit to 55 because at that time we were talking about IVF, which is very invasive treatment. It is interesting that after 45 years of age, people are unable to adopt but they could go down the path of in-vitro fertilisation. That is in stark contrast with this Bill. These issues must be thoroughly examined and the comments made by the member for Churchlands should be viewed with a more open mind. The very fact that a 33-year-old woman with a 46-year-old husband cannot adopt proves that one size does not fit all and that that couple would fall into the gap. The committee did look at that.

Ms S.M. McHale: What if it were the other way around?

Ms K. HODSON-THOMAS: A 46-year-old woman and a 33-year-old man should be given the same opportunity. As I said, if they were both 45 years, they would be able to apply. Why would they be better parents than a couple of 33 and 46 years of age? It is a difficult issue. It highlights this area of discrimination and we need to be careful in how this is managed. I hope the minister keeps an open mind on this. Perhaps there may be an opportunity for some compromise. The minister might not see her way clear to removing the age limitation altogether, but she might consider the amendment that the member for Hillarys has indicated he will move.

We were talking about the protection of privacy and information vetos lodged for whatever reason by parties to adoption. These are issues of concern with which I had some serious problems during my time on the Select Committee on the Human Reproductive Technology Act 1991. The minister was a keen player in that select committee and knows that we deliberated long and hard on those issues. The minister made some logical and sound contributions to that committee, and I have the greatest respect for her. I hope the minister can expand on those issues during the consideration in detail stage.

DR J.M. WOOLLARD (Alfred Cove) [5.42 pm]: I will not support this Bill. I believe it is discriminatory, dictatorial and judgmental. The Bill is about placing a child in a family and what a family has to offer a child. Although the Government has raised the age of eligibility for prospective parents from 40 to 45 years, it is still discriminating on the ground of age. Mother nature does not set 45 years as the age limit for women to bear children. Many women over the age of 45 bear children, so why should this Parliament be so judgmental as to set this age? We should be looking at what a family has to offer the child. We should be looking at the quality of the family relationship into which the child will be moving.

Years ago when extended families were common, grandparents often brought up their grandchildren. It is still the case in some areas within Australia and in many other countries that the extended family raises the younger children. I do not believe we should be setting an age limit in this Bill. Any couple who wants to adopt should be assessed on their merits. I know of a nurse married to a health professional. Many years ago that nurse had difficulties conceiving, so after several miscarriage this couple looked to adoption. Like the case that was mentioned earlier in the House today, the nurse was younger than her husband and they were told that they were too old to adopt. I know that couple now. They were fortunate after that period to have several children and they have a wonderful family relationship. In some ways they were lucky that they were blessed, but it was wrong that they were denied access to adopt a child on the ground that the husband was, to put it in layman's terms, over the hill. This Bill is saying that when people reach a certain age they are no longer fit to bring up children. That is wrong. The community must consider what a couple has to offer in a family relationship.

I have concerns with other aspects in this Bill. Once the decision has been made that a couple can adopt a child, the Bill provides that the couple will not have the right to decide on the child's surname unless the matter goes to a court. If a decision has been made that a couple is suitable to adopt a child into their family, surely the couple will put the child's interests first? Who are we to judge that couple on what they believe and their actions on behalf of that child? If a couple is accepted as adoptee parents, we should leave those family decisions and judgments to that couple.

When we move into the consideration in detail stage I will be interested to hear why the Government has made changes to other aspects of the Bill, some of which appear to be judgmental. However, I will listen with interest to the minister's explanation of these other changes. I will not support the Bill in its present form because it is discriminatory and judgmental.

MR M.J. BIRNEY (Kalgoorlie) [5.49 pm]: If the e-mails that I have received are any indication, this is a particularly emotional issue. I am not sure whether there is any right or wrong formula to determine the age of people who hope to adopt a child. However, we need to arrive at an age that is generally thought to be an acceptable age for those people wanting to adopt a child.

As I understand it, the Bill before us has an upper age limit for the elder prospective parent of 45 years of age when adopting the first child and 50 years of age when adopting the second child. Of course, it brings into play the entire debate about who is and is not too old to adopt a child. Arguments have been made that perhaps those

people who are advanced in years may be less equipped to rear a child than those who are perhaps somewhat younger. The converse argument, which the member for Alfred Cove just made, is that many people of all age groups are suitably equipped to adopt a child.

However, it is important that the legislation contain an upper age limit for prospective parents who seek to adopt a child. I have arrived at that position after a great deal of thought. One issue that is worth considering in this debate is the practical outcome of there being no age limit whatsoever. It is the case that from time to time prospective parents - and perhaps prospective parents who are considerably advanced in age - may inquire about adopting a child, and their application may be refused. Whoever makes the final decision about who can or cannot adopt a child will be faced with a number of issues. I am sure that if the legislation did not include an age limit, the person or persons charged with making that decision would, perhaps even subconsciously, consider the age of the prospective parents applying to adopt a child. It just may follow that subconsciously the person or persons may well make a decision based on age, and decide that the prospective parents are too old to adopt a child. It would be a rather interesting legal situation were that couple to then look to the courts or the Equal Opportunity Commission for some kind of remedy, or look for other legal remedies that may be available to people who have been discriminated against because of their age. The jurisdiction of the Equal Opportunity Commission extends across a range of issues and portfolios. Were we not to include an age limit in this adoption Bill and write it into law, I fear that there might well be some legal redress further down the track from a fairly elderly couple whose application for adoption had been refused. That is certainly not a situation that we, as law-makers, should encourage. With that in mind, I think it is important that there be a limit on the age of people who are eligible to adopt a child.

Having said that, I must say that I do not agree with the minister's assertion that the upper age limit for the elder of the two prospective parents should be 45. It is my view that the member for Hillarys got it pretty right when he said that the upper age limit for the elder of the two prospective parents should be 55 and that the lower age limit should be 45. When discussing this over the past couple of days, I was asked what is the difference between a 55-year-old and a 56-year-old. Are there any obvious differences between people with a one-year age difference? The answer is probably no; there are no defining differences between a 55-year-old and a 56-year-old. However, I come back to my original point; that is, were we not to write into law an upper age limit, there may well be some legal redress further down the track in the Equal Opportunity Commission. Therefore, we must draw the line somewhere and say that we are comfortable with a certain age. In doing so, it is important that we recognise that those people who may fall just outside that age limit have perhaps been dealt with unfairly. However, were we not to do that, the legal ramifications further down the track would far outweigh the negatives for those individuals who might consider themselves to be hard done by.

A few months ago we dealt with the gay and lesbian law reform legislation in this Parliament. It invoked a great deal of debate on both sides of the House and, indeed, in the general community. Much of the gay and lesbian law reform legislation surrounded the right of two gay or lesbian individuals to adopt a child. Of course, it is now a matter of history that the Liberal Party did not see that as a fit and proper option for adoption. The Labor Party was of a different view. The sad reality is that the Labor Party has some five or six more votes than the Opposition in this place, so that legislation has now been written into law. However, it would be remiss of me, and indeed other members, not to speak about the anomaly that now exists in adoption law, following the passing of the gay and lesbian law reform legislation some months ago.

It is now the case that a homosexual or lesbian couple can adopt a child. During the debate on that legislation, it was put to us, mostly by the Labor Party, that a gay or lesbian couple may well be fit and proper individuals to rear a child. Although that may be the case, I am of the view, as are many of my colleagues, that every child who sadly finds himself or herself up for adoption, for whatever reasons - be they tragic family circumstances or otherwise - has the right to expect the love and attention of both a mother and a father, rather than to be placed with two daddies or two mummies. That concept is somewhat foreign to me. I place on record that the debate on the gay and lesbian law reform legislation was not about gay and lesbian people and the lifestyles they choose to pursue; rather, it was about the rights of a child who sadly, and sometimes tragically, has found himself or herself up for adoption for a variety of reasons. That child should be given every opportunity to enjoy the company of both a mother and a father during his or her formative years. As I said, it is now a matter of history that the Labor Party has forced upon the people of Western Australia its somewhat weird views about that issue.

An anomaly has been born from the gay and lesbian law reform legislation, and it is particularly relevant in the light of the Bill before us today. When the Attorney General and the Labor Party forced through their gay and lesbian law reform legislation, it was done under the banner of equality for all, and the Attorney General appeared to be the champion of those people who may consider themselves to have been downtrodden in the past. He was very much on the front foot during that debate, and talked about equality for gay and lesbian people. He managed very trickily, I guess, which is somewhat characteristic of the Attorney General, to turn that

debate into a gay and lesbian debate. The reality is that it was not about gay and lesbian people; it was about children, the rights of children and what they could and should expect in their formative years.

The anomaly of which I speak is that during the gay and lesbian law reform debate it became evident that a number of processes must be followed before a child can be adopted. One of the issues in the adoption process is that the relinquishing mother has a right of veto on the prospective parents who seek to adopt her child. Therefore, it follows that the relinquishing mother could quite easily say that she did not like gay and lesbian people and that her child would not go to a gay or lesbian couple. I raised this issue with the Attorney General some months ago and said that surely that would represent anything but a system of equality when we are talking about the rights of gay and lesbian people. Given that he had been pushing through all this gay and lesbian law reform legislation, I said that surely he would fix that problem so that the relinquishing mother did not have the right to say that she did not like gay and lesbian people and that her child would not be adopted by such a couple. The Attorney General answered that he would not fix that problem. I place on record that I am very pleased that he said he would not, because I believe the relinquishing mother should have the right to choose to whom the child goes. However, that was in direct conflict with the rhetoric from the Attorney General throughout that gay and lesbian law reform debate. He purported to be fighting the good fight for equality for all, but when it came to the crunch and the Attorney General was put to the test - that is, in determining whether the relinquishing mother of a child up for adoption should have the right to say that her child would not go to a gay or lesbian couple - he said that he would not touch that. All of a sudden, it got too hard for him.

Sitting suspended from 6.00 to 7.00 pm

Mr M.J. BIRNEY: Prior to the dinner suspension I was drawing to a close my comments on this adoption Bill. I was attempting to make a point to the House that is an interesting anomaly. I point out to members the double standard displayed by the Attorney General on adoption. During the debate on the gay and lesbian legislation the Attorney General proclaimed equality and equal rights for all. He said that gay and lesbian people should be permitted to adopt children. He hailed himself as the hero of equality. The anomaly is that when a relinquishing mother puts up her child for adoption, she has a right of veto over who can adopt her child. It follows that a relinquishing mother can say that she does not like gay and lesbian people and will not allow such people to adopt her child. As it stands, the law allows that to happen. For the record, I think that should happen. A relinquishing mother should have a right of veto over who adopts her child. It illustrates the double standard displayed by the Australian Labor Party and the Attorney General. I put this very point to him during the debate on the gay and lesbian legislation. I told him that if he were to be the white knight of equality he would not allow a relinquishing mother to discriminate against a gay or lesbian couple. His answer to me was that he would allow it. From memory, he said he would allow discrimination in that case. On one hand the Attorney General is pretending to eradicate from the State's laws all forms of discrimination, but on the other hand he is allowing discrimination in some cases. A relinquishing mother should have a choice as to who adopts her child. It illustrates clearly the double standard the Attorney General and the Australian Labor Party hold on adoption, especially given their position on the gay and lesbian legislation.

I will close by saying that I hope sincerely that the Australian Labor Party will look favourably at the amendments proposed by my friend and colleague the member for Hillarys. I told him yesterday that I think he has the numbers exactly right; namely, an upper age limit of 55 years and a lower age limit of 45 years. In saying that, I recognise that those age limits will not be ideal for everybody. Undoubtedly, a number of people will be aggrieved. We must have age limits written into law otherwise there will be problems further down the track with elderly couples approaching the Equal Opportunity Commission for some form of legal redress. I support the Bill, albeit with the amendments proposed by the member for Hillarys.

MR T.K. WALDRON (Wagin) [7.06 pm]: The National Party will support this Bill; however, there are a number of issues it wishes to raise. The purpose of this Bill is to give effect to the recommendations of the 1997 review of the Adoption Act 1994. The basis for the amendments are grounded in the principle that adoption is a service to children. The National Party concurs with that. The Bill furthers the conceptual changes that occurred in 1995, which introduced open adoption amongst the three main parties to adoption: the adoptee, the adoptive parents and the birth parents. This Bill also introduces additional amendments relating to administrative matters. The amendments will improve the operation of the Act.

The National Party has received a great deal of input on this Bill, mostly relating to the extension of age limits. It is probably the most contentious issue. The age criteria for prospective adoptive parents has changed from the maximum age gap of 40 years between parents and children to 45 years for the first child, and up to 50 years for subsequent children. The increase in the age differential follows the social trend of parenting at a later age, which is evident across Australia. The amendments are a move in the right direction. The National Party has listened to a lot of arguments about appropriate ages for adoption. It believes that adoptive parents should be

selected on their ability and capacity to parent children. The best possible interests of children should always be the priority in any decision; adoption should not be determined on the basis of age.

Legislation in New South Wales, Victoria and the Australian Capital Territory contain no age restrictions. The arguments for that legislation - with which we agree - are based on the trend of later parenthood as people extend their working lives. Equal opportunity legislation also plays a part, as does the ability to provide the best possible home for children. Adoptive parents should not be assessed on their age; assessments should be made on whether applicants are the best people to look after children. Age would be a factor only if people were deemed not to be able to parent properly. If that is the case, it should be taken into account because we must look after children first.

The Bill also changes provisions for contact vetos. Existing contact vetos remain but new contact vetos may not be lodged. One point that is unclear - perhaps we have missed something - is what process will be put in place if there is no contact veto and an adopted child wishes to contact his or her natural parents?

Ms S.M. McHale: Are you asking what will be the process for making contact when no contact veto is in place?

Mr T.K. WALDRON: Yes, so that the adopted child cannot just rock up unannounced, because that will not be fair to the natural parents or, in a lot of ways, the child, and may create problems.

Mr R.F. Johnson: If no contact veto is in place, the adoptee can make any attempt he or she wishes to contact the relinquishing parents.

Ms S.M. McHale: Now.

Mr R.F. Johnson: Yes, but if a contact veto is put in place by the relinquishing mother or relinquishing parents, the adoptee cannot make contact. The adoptee will be able to get information about who his or her parents are, but the adoptee will not be able to make contact, because very stringent penalties are in place.

Mr T.K. WALDRON: It is imperative that a process be followed, because otherwise problems may be created that may have a long-lasting effect. We are trying to make this the best possible legislation for the children, and obviously also for the natural parents, because the process needs to protect them as well. We stress once again that the interests of the child must be the main priority. This legislation is heading towards that goal. We believe the age should be open. We look forward to the consideration in detail and the amendments to the Bill.

MRS C.L. EDWARDES (Kingsley) [7.12 pm]: I will raise four key issues that arise out of the Adoption Amendment Bill (No. 2) 2002. The first issue is the age of adoptive parents. It is unfortunate that the age issue has overwhelmed the debate on this legislation, because other aspects of this legislation are also very important. In adoption legislation we should be talking about what will be in the best interests of the child. In some instances we are also talking about what adults think will be in the best interests of the child or what will be in the best interests of the adult. The other key issues I will raise are the veto principles, private adoption agencies, and the Aboriginal placement principle.

The Bill proposes to remove the ability for new vetos to be registered. That is sheer nonsense. If there is an agreement between the birth mother and the adoptive parents and that agreement is working - which I am told is the reason for the vetos to be removed - we do not need to remove the vetos. If the adoption agreements are working and no new vetos have been put in place as a result of those adoption agreements, why remove the vetos? There is no sense in doing that and thereby creating heartache for families that have entered into agreements and know what the rules are. What we would be doing in this instance is interfering with people's lives. I know that in this place we interfere with people's lives and livelihoods ad nauseam on a daily basis, often in an economic sense, and sometimes very much in a social and personal sense, as in the case of adoption. I can give example after example of how this proposal will have a great impact on people's lives - an impact that they do not deserve. Why should we as a Parliament interfere with the lives of people who knew what the rules were at a certain point in time? If a child is put up for adoption today and an agreement is entered into that either incorporates or does not incorporate a contact veto, that should be the agreement that will apply from today onwards. We do not need to change this legislation and thereby impact on the lives of people who have entered into a secure arrangement based on a certain set of rules. This proposal is probably one of the worst aspects of this legislation. Once a child has reached the age of 18, many organisations and associations are available to help parents who have put a child up for adoption to try to locate their child, and for children who have been adopted to try to locate one or other of their parents. Arrangement are then put in place to enable those children and parents to make an initial contact and put their toes in the water to test whether there is a willingness to meet. I am dealing with a family now in which that toe-in-the-water approach may result in the mother and son meeting at some point down the line. However, if we intervene and there is open contact, that may introduce an immediate resentment and may destroy from the beginning any relationship that may otherwise have eventuated. We have no right to do that. We are already intervening in people's lives with the Adoption Act. We should not

go further than what we are doing. I totally oppose the removal of those vetos. If the agreements are working, it is absolutely unnecessary to legislate any change for vetos that are already in place.

The second issue is private adoption agencies. It is proposed that applications for a licence will follow an expression of interest process. The Bill also provides for the monitoring and review of private adoption agencies, and for reviews and appeals to apply to private agencies. I am comfortable with the appeal provisions. However, although the licensing of private adoption agencies has been in existence since 1985, I am sure members will be surprised to learn that since 1985 not one private adoption agency has been granted a licence. We need to ask why this is the case. When I was the Minister for Family and Children's Services, we set a process in train whereby that could occur. However, it did not happen. In 1999, the then Minister for Family and Children's Services, Hon Rhonda Parker, knocked back an adoption application by a private agency, for a whole series of reasons. We now have another minister from another Government dealing with the matter and I bet my bottom dollar that, again, no private adoption agency will make an application. One must ask why this Government is going down this road and why, under the previous Government, were no private adoption agencies permitted. One of the reasons must be based upon the advice the Governments received. The legislation allows for an organisation to make an application for a private adoption agency licence at any time. The final report of the Adoption Legislative Review Committee in November 1997 stated that it would be more efficient for applications to be called for at the discretion of the minister. That has been done under the legislation. However, when considering why it has not actually happened, we can refer to the letter written by Adoptions International of Western Australia to Rhonda Parker, who was the minister in 1999. Parts of that letter read as follows -

> The Board of Management of Adoptions International (AIWA) is very disappointed with the decision to refuse the granting of an Adoption Agency Licence.

I will outline the reasons that the agency questioned that decision and its major concerns. The letter further states -

> You say the decision is based on recommendation of the Private Adoption Agency Licence Committee.

However, Adoptions International would say that there is no impartiality in the establishment of that committee. The minister can advise on the composition of that particular committee. I know from the briefings I have received that changes will be made, particularly given the amendments to the legislation that provide for the monitoring and reviewing of an agency. However, I would love to see an agency just get a licence; forget about the monitoring and reviewing process. Let us just work through the process of an agency getting a licence.

The major concerns regarding the refusal to issue a licence to AIWA were stated in its executive summary response and included the following -

1. the impartiality . . .
2. the Committee's misuse of the principle of the welfare and best interests of the child being paramount in intercountry adoption to portray AIWA as a group of self interested adoptive parents and applicants, who would not hesitate to use the agency as a centre for child trafficking;

That is an absolutely appalling thing to say. Who else would have the best interests of a child at heart if they were not adoptive parents and applicants? To suggest that the agency would then go to the next step and engage in child trafficking is an absolute disgrace. I suggest that that shows a very narrow attitude towards private adoption agencies. There are already private adoption agencies in Australia. It is not something new; the system does work and it does happen. The concerns included -

3. the lack of clarity and regular shifting of the goalposts throughout the application process regarding the documentation requirements;

I experienced that as a minister. The process was like jelly; one could never grab hold of the specific requirements, what documentation was required and an application form. Members would be surprised to find that no application form has been developed since 1985, when this process was placed under legislation. Everything is fluid. How can people work on that basis? The response continues -

4. the Minister's failure to give due consideration to all submitted documentation and to consider the application in the context of the inadequate adoption services currently available in WA;
5. the virtually unachievable high expectations set on the agency's staff numbers and the need for prior experience in the management of a licensed adoption agency;

Oh my goodness! This is like the chicken and the egg; an agency cannot get an application unless it has experience. But wait a minute! According to the response, this is -

> a group of self interested adoptive parents and applicants . . .

I have had dealings with this association for many years. I have known the many volunteers who have worked for it and gone to other countries to help families and to bring children back. The agency has the experience that is needed. However, it does not have experience as a private adoption agency because it cannot get a licence. This agency's experience is being treated as self-interest and something that is lending itself to child trafficking. The response continues -

> 6. the Committee's tendency to exaggerate the gaps in supporting documents and to ignore the positive aspects proposed or already in place;

This agency has done a lot of work, which I know from personal experience -

> 7. the pessimistic prognosis of financial viability and lack of understanding of the normal ways non-government organisations and small businesses match the number of clients accepted to the resources available to service them;

What a lot of nonsense. This is a numbers thing. I wonder what government agencies say when a department has to downsize by two staff; I bet it manages. It might be said that the minister has an unrealistic expectation in matching the resources to the service that the clients need. I am sure all agencies say that every time budget time comes around. They say "Mr Premier, we need that extra money" and if they do not get it, I bet they say that they cannot do the job any more. Again, this is putting in place a requirement that is unrealistic in the real world. The last concern was -

> 8. the use of misleading information to conclude that the agency has neither the ability nor the resources to successfully manage its own Adoption Applications Committee.

This association will continue to apply for a licence again and again. I have raised this matter because it is not a partisan issue. It is one that was faced by my Government when I was a minister, and the application was knocked back then. This minister is now receiving the same advice, although I recognise that the personnel have since changed. I put on record that we should give this agency a fair go. There are sufficient checks and balances in place. They should be strengthened, rather than the licence application being refused because of concerns that the agency will not be able to manage and will end up dealing in child trafficking; it does not have the resources or the manpower to match the services required by the clients; or the goalposts are changing and the agency's needs cannot be determined. All this association is asking for is a fair go. The final summary of the response states that -

> The final analysis, that Adoptions International of WA is too incompetent, unqualified and insufficiently resourced, to be able to provide a consistent, high quality comprehensive intercountry adoption, is a highly subjective and largely unsubstantiated conclusion.

I agree with that response. The association wants the matter to be dealt with on its merits and to ensure that the bias that has existed in the past will be removed and this Government will consider the real possibility of Western Australia having its own private adoption agency. It should not necessarily be one that resides in government alone, provided the Government has put in place the checks and balances, which it has already done.

[Leave granted for member's time to be extended.]

Mrs C.L. EDWARDES: The third matter is the placement of a child for adoption and the age of the adopting parents. The member for Churchlands has proposed that the age barrier be removed totally. The Government has recognised that a little more flexibility is required. The Opposition has said that the Government has not quite got it right. We are probably somewhere in between. If the Government is serious about considering the criteria for adopting a child - age is one criterion - what is it about age that is so important? I have received advice from a person who was adopted in the eastern States in 1964 by a 51-year-old and a 53-year-old. She said, "Don't let it happen." I say to that person and to this House that the health and lifestyle of 51-year-olds today is different from that in 1964. All the studies and statistics show that we are living longer and healthier lives. Age discrimination has been removed from the retirement age. It is quite a valid proposition to remove age as a criterion for the adoption of children, and there is support for that. I have received letters supporting the position of the member for Churchlands. However, I do not think the community will accept the removal of age as a criterion. Age will be retained as a criterion because the welfare and care of children is a consideration. If an issue of age arises, that will occur in any event when the rest of the criteria are assessed. However, I do not think the community will accept that; it feels much more comfortable having an age criterion than for it to be totally removed. Yet I firmly believe that the age criterion would be handled in any event in the assessment process. I can tell members many stories that will debunk absolutely the idea that an older person will die before a younger person. Children have been adopted and their adoptive parents have died for one reason or another.

That in itself cannot be a criterion. Statistically it is correct. The older we get, the closer we are to dying. I accept that.

Mr R.F. Johnson: I don't want to.

Mrs C.L. EDWARDES: The member for Hillarys does not want to. At some point in our lives we will all reach our grandparents' age. The statistics show that we are living longer. In fact, 10 years ago some of the futurists said that those who were born then - I had a particular interest because my young son was only five years of age - would live for 120 years on average. I was interested at that time because of our training and education policies. How would we prepare people to work for a much longer period if there were likely to be changes to their working lives? How would their skills cope if they had to work to a much older age and were much healthier? An 80-year-old today is not the same as an 80-year-old of 50 years ago. That is a statistic. When we talk about 60-year-olds, we must realise that many of us are not far from that age. I bet my bottom dollar that many of us think we could still look after a child. As the member for Hillarys has said, he has done it.

Mr R.F. Johnson: For three of them.

Mrs C.L. EDWARDES: He looked after three children for a lengthy period. The age criterion is a misnomer and there are biased reasons for putting a particular age in place. The member for Hillarys determined the ages that we have adopted through contact with focus groups, because we started with the principle of the member for Churchlands; that is, there should not be age discrimination. However, many members of the community do not yet accept that. They believe that that should still be a key criterion, even though the reasons for that would be taken into account in the assessment criteria in any event. They are not willing to accept no-age criteria. The proposal that the Opposition has put forward is a far more realistic approach than that put forward by the Government.

I raise also the issue of the Aboriginal and Torres Strait Islander child placement principle. One need only consider the recent Gordon inquiry. Some Aboriginal groups were highly critical of the child placement principle. The Opposition thinks that incorporating that principle in the adoption legislation is wrong. Again, I have received a couple of letters that identify the concerns in a very personal sense. I have spoken to Aboriginal children who have been adopted by Caucasians. They firmly believe that it is wrong to rely heavily on the child placement principle. Elders in the Aboriginal community today do not regard it as absolute. Of course, when a child is put up for placement, his or her extended family is considered before the broader issues outside the family process are considered. That does not take into account the best interests of the child as opposed to those of a non-Aboriginal child. It is the same for intercountry adoptions. There are many stories about the availability or non-availability of children for adoption. The countries from which those children will come will determine the number of children who will leave their shores and by whom those children will be adopted. The issue then is the extent to which we will limit intercountry adoptions. It is true that some children in orphanages in other countries are there for economic reasons. Their father might be seriously ill or aged and his wife might have long since passed on and he cannot take care of a 10-year-old. I am talking about a particular example in a South East Asian country. That child does not want to leave that country, and the child's father will not allow the child to be adopted. That child is not available for adoption. When talking about children who are available for adoption, the figure should not be equated with the number of children in orphanages. Those figures are not being used. Too many figures are bandied around, which gives a misleading impression of what is happening around the world. I urge the minister to use caution when considering some of the statistics and figures that she is given. She needs to ask further questions. The minister should go further than the base figures and find out where they come from. She should question the primacy of the documentation that contains those figures. It is only by listening and asking questions, by talking to people who actually know about these matters and travelling to those countries, visiting orphanages, and talking to their Governments, that the information can be gained. I know the minister will not be able to do that herself; she will not be able to jump on a plane and visit the countries that offer intercountry adoptions. However, I encourage her to visit those places whenever she is travelling, because she will be enlightened by the information that she will receive. Those countries value the placement of their children in other countries.

The hearts of Australian people are wide open. However, the percentage of intercountry adoptions in Australia in comparison with other countries is very low. Why is that? Irrespective of the fact that there are private adoption agencies elsewhere in Australia, I do not know whether it is the limited number of those in Australia by comparison with other countries that reduces our ability to ensure that children are given a home in Australia. I ask the minister to find out why that is the case, because there must be a reason that our percentages are so low when compared with other countries.

I do not look at this issue from the point of view of parents, although I have listened to many parents who have given up children.

My time has run out, and I apologise for not having recognised that earlier. Many stories could be told by families who have given up children for adoption or who have adopted children, and by children themselves. I urge the minister to ask the questions and to take into account what we are doing here, to ensure that it is in the best interest of the children.

MS S.M. McHALE (Thornlie - Minister for Community Development, Women's Interests, Seniors and Youth) [7.43 pm]: I place on record my thanks to all speakers on both sides of the House who have contributed to this debate. Their contributions reflect the difficult and complex issues surrounding the question of adoption. Once a decision is made, differences of opinion, opposition to certain parts of the Bill and so on are voiced. I recognise, and make it clear, that the subject of adoption brings out different points of view. As the member for Kalgoorlie said, there is no one right or one wrong view. To a large extent, it is a question of a person's own world views, experiences and so on. However, I also heard the Bill described as anti-adoption, perhaps racist, and discriminatory against singles, although I refute that. Not one person has said that the Bill does not advance the rights or best interest of the child.

Mrs C.L. Edwardes: That was not said in this House.

Mr R.F. Johnson: Who said it discriminates against singles?

Ms S.M. McHALE: Sorry, the member for Hillarys said that the Bill discriminates on the grounds of marital status.

Mr R.F. Johnson: Even that was not what I said. I do not want you to mislead the House at all. I certainly never said that it discriminates against singles.

Ms S.M. McHALE: When the member reads *Hansard,* he will see that he suggested that there was a difference in treatment between a married couple and a single person. I ask the member to check *Hansard*, and we can then debate this point outside the House.

This Bill clearly advances the interest of the child, on whom we are all focused. As I said in my second reading speech, to a large extent it gives substance and effect to the 1997 review of the Act. This Bill will disappoint some people. Some people may think that the age criterion does not go far enough; however, others have said that I have taken the age limitation too far. I want each and every member to understand that for every position there can be a counter position. My responsibility as minister is to take account of the broad range of views and to try to steer a sensible course that attempts to accommodate, as far as possible, the differing views. However, I cannot accommodate some views, because I have taken another position. That is a fact. I accept the comment that the Bill perhaps disappoints some, but I do not believe that it disappoints the majority of people.

The Bill will regulate the process. It is trying to take account of the advice from the review and improve the administrative processes. I have not heard one person who has been critical of the Bill say that this Bill reduces the capacity of the State or the Government to protect children. As the member for Kimberley eloquently said, this Bill protects the interest of the child and deals with the needs of children.

The State has been involved in adoptions since 1896. It has been regulating adoptions since that time, and has had to make decisions on behalf of children and with the best interest of the child in mind. It is good to hear all members from both sides of the House say that they accept that the basic principle of this Bill is to ensure that the interests of the child are protected. I believe that is what the Bill does.

In preparation for this debate, I read *Hansard* debates on amendments to this Act in previous years, as well as the original Act. Generally speaking, the approach to adoption has been bipartisan. That has not been universal and there have been some obvious exceptions. We are still dealing with some of those issues in this Bill, such as the placement and removal of vetos, and whether there should be an Aboriginal placement principle. As far as I am concerned, the position the Government has adopted on the vetos and the Aboriginal placement principle is non-negotiable. On the question of age, there is only one choice; there is either an age limitation on the placement principle or there is not. I have listened intently to everything that has been said in this House. I am strongly of the view that the majority of the members of this House, regardless of their political persuasion, accept the principle of an age limit, with some exceptions. I respect the member for Churchlands' arguments in that regard. In assessing the situation, the choice is either to have an age limit or not. The comments from the Opposition were that it accepts and supports having an upper age criterion with the placement of the child. Once we reach that point of view, and once we accept an upper age limit as a principle of the Bill, the issue becomes a decision about what is reasonable. Whether the age limit agreed upon is 45 or 50, to a large extent a line must be drawn in the sand. We must decide on a reasonable age limit and we must also determine the factors that justify that decision. I make it clear that it is a choice of either having no age limit, as the member for Churchlands articulated, or accepting the argument put forward by the members for Hillarys and Kalgoorlie that there must be an upper age limit.

Determining the recommendations to put before Parliament has been an interesting process. Eighty recommendations have been made, which, if adopted, will significantly amend the Bill. Many of the recommendations are housekeeping measures; however, as has already been articulated, some of them are quite contentious.

After considering the history of the adoption debate, it is clear that in almost every debate the comment has been made that the legislation is long overdue. The legislation was debated in December 1992, after which time there was an election. The then Government introduced the legislation in 1993-94. At that time the member for Churchlands, who was then the member for Floreat, argued that the legislation was long overdue. The legislation is long overdue - I am frustrated that it has taken so long - partly as a result of the complexity of the issues with which we are faced in trying to determine a sensible position that can be presented to Parliament. Once we decide to have an upper age limit or age criteria that will determine the differential age between the child who is to be placed and the adoptive parents, the actual figures become slightly arbitrary. However, they must be sensible and justifiable.

Mr R.F. Johnson: I agree with you. In fact, I agreed with you that a 45-year age gap is correct. However, it should refer to the younger of the prospective adoptive parents, otherwise we will be discriminating against them.

Ms S.M. McHALE: Member for Hillarys, if I do not discuss that issue now, it will certainly be discussed during the consideration in detail. Bear with me and allow me to continue my remarks.

The member for Kingsley succinctly stated that the debate has focused on the issue of age. However, other issues in the Bill ought to have been further developed. Indeed, the member for Kingsley was keen to talk about the vetos. A decision was made to maintain age criteria for a number of reasons. First, given that the framework in which I was operating was, broadly speaking, the outcome of the 1997 review, which was based on extensive consultations with organisations and other avenues by which the then Government sought feedback -

Mr R.F. Johnson: Who were they?

Ms S.M. McHALE: Focus groups, market research groups -

Mr R.F. Johnson interjected.

Ms S.M. McHALE: Extensive consultation took place. I am happy to provide the member with a response to his interjection. The adoption legislation review commenced in 1997 with a consultative process that ran for almost two years. First, an issues paper was developed, of which 2000 copies were distributed. Individuals, professional associations, academics and adoption groups all had input to the review. Public meetings followed, at which verbal and written submissions were taken on matters raised in the issues paper. One hundred and eight submissions were received and 14 verbal submissions were arranged. Two market research projects were commissioned; one was a customer survey that was designed to provide information on the impact that the legislative changes would have on people involved in adoptions; and the other was a telephone survey that involved 400 people across the State, which was designed to gauge the extent to which the general community was aware of the legislation. Consultation also occurred with Aboriginal groups who indicated their support for the amendments contained in the Bill. A report on the findings was distributed and further feedback was received. A final report was released in November 1997 and further comment was taken well into 1998. There is absolutely no doubt that there was extensive consultation with the community on the review. I disabuse anybody who thinks that the consultation was confined to only a small representation of interest groups. That is absolutely not the case.

My decision on the age limit was determined, in part, by the review. The review stated that we ought to have an upper age limit of 43 years. That decision came from the 1998 review, and I understand it was supported by the then Government. I considered the measure to be deficient because it did not account for the opportunity to adopt a subsequent child. Further, it did not reflect the general population trend of people having children at an older age, and nor did it reflect the age limits set by other countries. I arrived at a view, which was supported by my side of Parliament, that a sensible and reasonable approach would be to have a two-tiered level whereby applicants could be no older than 45 years for the first child and 50 years for subsequent children. This means that a person of 45 years could adopt a newborn, a 47-year-old could adopt a two-year-old, and a 50-year-old could adopt a child of five. That is the mathematical calculation. It is a simple calculation that was refined not only to take into account the trend towards older parenting, but also to ensure that by maintaining age criteria we are not cutting off the opportunities for intercountry adoptions by virtue of another country's age policy.

I will provide examples of some of the age limits of other countries so that they are on the public record. It is generally the case that the countries with which Australia enters into discussions for intercountry adoptions have a maximum age. In China, the maximum age of a person who wishes to adopt an infant is 45 years, although there is some flexibility for older applicants and for the adoption of older children. In Ethiopia, there must be no

more than a 40-year age difference between the applicant and the child, and some flexibility is given for siblings of the adopted child and for older children. In Hong Kong, it is preferable that applicants be 45 years of age or under; however, some flexibility is given to applicants up to the age of 50. The maximum age in India is between 40 and 45 for the adoption of infants, while the maximum age for the adoption of older children is 49. In Korea, the maximum age is 44. In Thailand, the maximum age of an applicant for the adoption of a child under four is 44; for older children it is 45. In Taiwan, the age is under 45. Once the decision was made to have an upper age limit, I tried to ensure that the determination of that limit would be based on some sound logic. I took into account the ages applying in the intercountry adoption countries, and the trend towards older parenting. There will always be different points of view. Why should the age not be 46 and 51, or 44? Why did I not just stay at 43? I have explained that.

Mr R.F. Johnson: What if a woman adopts a child at the age of 45, and then meets a man 15 years older? There is nothing that can be done about it. That is life.

Ms S.M. McHALE: That is right. They would not be eligible for adoption.

Mr R.F. Johnson: The woman has already adopted a child, because a single 45-year-old person can adopt a child.

Ms S.M. McHALE: In that instance, there is provision in the Bill to allow for the adoption of older siblings, regardless of the age.

Mr R.F. Johnson: That has nothing to do with it. I am saying that, by making it the younger of the parents, you will not be discriminating against them.

Ms S.M. McHALE: I listened in silence to the member for Hillarys, and I want to try to give my responses.

Mr R.F. Johnson: You interjected while I was speaking, and I took your interjections, because I am a gentleman.

Ms S.M. McHALE: I now wish to continue and get my points of view on the public record. If it is argued that the age limit should be based on the younger of two people, a situation is created which would in theory and in practice lead to the possibility of a much older parent - 10 years older. The member for Hillarys is saying that the upper age limit essentially is 55 and 60, in the instance where there are prospective couples. It becomes a judgment about whether it is in the best interests of the child to, in the first instance, place that child with a couple who are in their 50s.

Mr R.F. Johnson: I did not say 60; I said 40.

Ms S.M. McHALE: In his example, and in his amendment, the member for Hillarys is prepared to place a baby with a 60-year-old.

Mr R.F. Johnson: No, what I am saying is that you allow a 45-year-old mother and a 47-year-old father.

Ms S.M. McHALE: The reality of the amendment proposed by the member for Hillarys is that a couple can be 45 and 55, or 45 and 60. In this instance, when looking at adoption placements, the question must be asked as to whether it is in the best interests of the child to place that child with a couple, one of whom is 60. That is the decision we must make.

Mr R.F. Johnson: You are exaggerating.

Ms S.M. McHALE: That is exactly what the member for Hillarys is saying. His amendment talks about the possibility of a couple aged 45 and 60, or 50 and 60. That, in the view of the Government -

Mr R.F. Johnson: You have not even read the amendment.

Ms S.M. McHALE: I have read the amendment. The member for Hillarys is saying 50 and 60, for a subsequent child. I will not take the interjections of the member for Hillarys, because I have a lot to cover. There will be ample opportunity in the consideration in detail phase to argue the points about what was or was not meant by the amendment.

I turn now to the question raised by the member for Hillarys, in which he accused me of misleading the House, and I will clarify exactly what he means by that. In my second reading speech, I said in relation to whether there are more applicant parents than children available for adoption -

> This is the case even for overseas adoptions. In 1999, the United Nations International Children's Emergency Fund estimated that there were 50 applicants for each child available for intercountry adoption.

I cited the reference. When that speech was put together, that quote came from a Council of Europe Parliamentary Assembly document entitled "International adoption: respecting children's rights". This document stated -

> Worldwide, according to UNICEF, there are 50 prospective adopters for every available child.

I make it very clear that the accusation that I misled Parliament is totally wrong. It is probably mischievous, but it is erroneous in the extreme. I was quoting from a document produced by the Council of Europe, which is an inter-governmental organisation with representation from all 15 of the European Union states. The decision-making body of the Council of Europe is the committee of ministers, which comprises the foreign affairs ministers of all member states. It was fair to assume that this was an erudite document, produced by a reputable organisation undertaking activities and research on several themes. I understand that now a UNICEF spokesperson has said that that statistic does not seem to have appeared in any UNICEF publication or statement. I want to make it clear that in my second reading speech I was quoting from a respectable paper from a reputable organisation. If it is wrong, I apologise on behalf of the Council of Europe for quoting an inaccurate reference. I instructed my department to follow that up with UNICEF and the Council of Europe, because I am very careful in what I quote and how I substantiate my statements. I was very concerned to have quoted something that was subsequently revealed to be not what UNICEF actually said. I have been told that the department has received an e-mail from the Council of Europe, which is investigating the matter and making contact with UNICEF, and its research staff will clarify the matter. I will be very happy to inform Parliament of that further investigation. When I read a Council of Europe Parliamentary Assembly document, I would assume, as would most members, that it was a reputable document based on evidenced research. That is of concern to me and, since it was followed up with me, I have not been quoting that figure. However, I reject the assertion that I misled Parliament, when I made it very clear in my statement to the House that I was quoting from a document.

I turn now to the Aboriginal child placement principle. Members on this side of the House feel very strongly about this issue and are firmly resolved to ensure that the principle remains in the Bill.

Mr R.F. Johnson: Your party brought it in in 1985.

Ms S.M. McHALE: That is absolutely right, but the member for Hillarys' side of the House would not put it in. The Opposition seems to have two prongs to its argument: one is that it actually supports the application of the principle but it does not want it in the legislation. The other is that it is casting doubt on the soundness of the Aboriginal placement principle. That is much more offensive than the first position. In order to be able to say to the House that the placement principle has the support of those Aboriginal organisations that work in child care and child protection, I put on the record that the Secretariat National Aboriginal Islander Child Care wishes to reiterate the critical importance of the Aboriginal child placement principle and the need for the Government to strengthen, rather than diminish, its application.

It is very clear to me that Aboriginal child care agencies are totally resolute in their desire for this principle to be included in the Act.

Mr R.F. Johnson: What about the submissions to the Gordon inquiry?

Ms S.M. McHALE: I think the member has done some selective quoting from that. The recommendation of the Gordon inquiry is not that we do not have this principle. Those letters are dated 18 and 19 September. I also refer to correspondence to me from the Western Australian Indigenous Child Care Agencies Council, which states -

> We would like to take this opportunity to reinforce our position on the legislation as it relates to the adoption of Aboriginal children.
>
> We strongly endorse the inclusion in legislation of the Aboriginal Child Placement Principle. This gives special consideration to allow Aboriginal and Torres Strait Islander children to be placed into the care of the Aboriginal community as a priority.

It is incumbent upon me as the minister to put it on the public record that the principle is just that - a principle that may be considered. It will be enshrined in the Act, but it will not under any circumstances mean that an Aboriginal child must be placed in an Aboriginal family. I am concerned that there has been misinformation about the intent of this Bill. This is one example. I have tried to explain to people that the principle needs to be looked at in the context of other sections of the Adoption Act. Although the Aboriginal and Torres Strait Islander child placement principle will be included in the Bill, it will not override section 45 of the Adoption Act, which gives the birth parent the right to choose the adoptive parent. If there is any need to allay concerns - I personally do not think there is - I put it on the record that the principle is a guiding principle and that section 45 of the Adoption Act gives the birth parent the right to choose the adoptive parents. Birth parents will be advised

of the possible implications of the principle. The principle will not override that section. Whether it is the wish of the birth mother to have her child placed in an Aboriginal or non-Aboriginal family, her wishes must be adhered to. Section 45 of the Act says that the relinquishing mother is able to determine the characteristics of the potential adoptive parents, and that the department must select profiles in accordance with her wishes. The relinquishing mother's right must be adhered to. People should stop perpetrating stories about what the Bill will or will not do when they are patently wrong. The Aboriginal child placement principle amendments to the Bill will do two things. They state very clearly that, according to Aboriginal culture and customs, adoption is not the way Aboriginal communities typically want to go. The member for Kimberley articulated that very clearly in her contribution this afternoon. The Aboriginal communities also say that they believe very strongly that the Aboriginal child placement principle ought to be in the Act. We will not entertain any negotiations about that. The principle is just and fair and based on years of lobbying and protests by Aboriginal communities that it should be in the Act to shape and guide placement decisions but not override the birth mother's wishes. That is the position in relation to the Aboriginal child placement principle.

I address other issues that have been raised. I will to some extent pick up on the concerns about the intent of the Bill that were expressed in a rally that was held a few weeks ago at Parliament House. It was interesting that one of the speakers at that rally said that it is not what is in the Bill that he disagreed with. There was generally support for the Bill, which I was pleased to hear. However, concern was expressed by some people who had experienced the process that departmental practices were in some way anti-adoption or anti-overseas adoption. I would be concerned if one of my departments were seen to be anti-anything. I place it on record that over the past 12 months there has been an increase in the number of overseas adoptions. Typically, the number of overseas adoptions is about 20. In 2001-02, it was 29 - a one-third increase. There are concerns about the length of time the process seems to take and the fact that there are relatively few adoptions. I say to the House that under my leadership as minister, we will keep an eye on the situation and see what we can do to speed up the process and whether there are other things we can do in relation to overseas adoptions. However, as I have said already, I will not divert resources from other areas such as child protection to send staff overseas to negotiate with other countries. I believe that some States have the resources to send staff to other countries. There are things we can do to improve the process for prospective adoptive parents, but I certainly do not believe that the department is anti-adoption or anti-overseas adoption.

The other criticism I have heard is that this Bill means that, for instance, an Indian child can be adopted only by an Indian couple, or a Muslim child can be adopted only by a Muslim couple. That is absolutely not the case with this Bill. There is a principle known as cultural consistency, whereby an Indian or Hindu child can be adopted only by Hindu parents. We are not going down that track at all. We are making minor amendments to the Act to ensure a focus on cultural awareness. There is absolutely no justification or ground for the concern that this Bill will in some way inhibit the opportunity of people to adopt children from different countries. I make that patently clear. It is not the case. We are ensuring that there is continuity of cultural awareness. That is already included in the Act, which states in section 52(a) -

> the prospective adoptive parent -
>
> . . .
>
> (v) meets, if relevant, the child's wishes and shows a desire and ability to continue the child's established cultural, religious or educational arrangements;

We will add to that section the words "recognises the value of, and need for, cultural and ethnic continuity for the child". This will strengthen the desire for recognition that the cultural background of a child is important, and the requirement that in determining the appropriateness of prospective couples, their willingness and ability to encourage cultural awareness be assessed. I think that is a reasonable and fair position to take. It is already in the Act in large part. The amendment is not introducing a different principle; it is extending the principle of cultural awareness of children's backgrounds. People should have no fear that this Bill will reduce the opportunities that prospective parents will have to adopt children from overseas.

I will answer the member for Hillarys' comments about adoptions by relatives. I was pleased to hear the Liberal Opposition support the principle that adoptions by relatives ought not to occur and that there are other ways of ensuring guardianship in instances in which grandparents, uncles and aunts, or other family members, might want to take care of a minor. We encourage that. In the instance of an orphan or a relinquishment, the Government encourages family members to take care of that child. We do not have any disagreement on that. The member for Hillarys asked questions about the role of the Guardianship and Administration Board. I can advise that grandparents can apply for a parenting order in the Family Court. The department has been, and is, supportive of grandparents or other relatives in that situation having permanent guardianship of a child. I give that assurance to the member. The Guardianship and Administration Board is not relevant in this instance

because it applies only to the guardianship of adults. The member's concerns about going through the board are not relevant. Grandparents or other relatives would apply to the Family Court to seek a parenting order. Under my leadership, the department will encourage the support and custody of an orphaned child by family members in preference to an adoption by someone outside the family. The issue of adoption by relatives has been managed well in the Bill. That is the sort of situation the department will encourage. A parenting order is available to ensure that guardianship and care of a child is made very clear.

It is important that I respond to the question of vetos. There are two sorts of vetos: information and contact. From memory, information vetos were introduced in 1994. On balance, the review of the legislation recommended that contact and information vetos should be removed. I have been lobbied quite strongly to remove contact vetos in their entirety. Like the question of age, contact vetos are something that I deliberated over for a long time before deciding what would be a reasonable position to present to the House. I could have adopted a position that removed both contact and information vetos or I could have left them in place in perpetuity. My overriding concern and influence was the argument that individuals need to know their original parentage. People need to know where they come from. Madam Acting Speaker (Ms K. Hodson-Thomas) knows my position on identifying information regarding human reproductive technology. It is not surprising that I carry that argument through to this instance when I say that, in an environment that presents conflicts between the right to know and the rights of others to privacy, I have adopted the view that information is paramount. I bring to the House the proposal that the information vetos currently in place will cease to have effect in two years. Contact vetos in place when this Bill is enacted will remain in place in perpetuity. No further contact vetos will be put in place after the date of enactment of this legislation.

During my discussions with the Opposition, a good point was raised about contact vetos that have been placed on behalf of a minor by the adoptive parents. The argument is that such contact vetos would be extinguished when the Act is proclaimed.

Mr R.F. Johnson: No, when people reached 18 years of age.

Ms S.M. McHALE: Sorry, when a person reached 18 years of age and did not have the opportunity of placing a veto. There is argument to say that that small group of people ought to have the once-off opportunity of deciding whether to place a contact veto. I am prepared to make that amendment to the Bill provided it is satisfactory, and I think it will be. I will leave contact vetos in place. I think the member for Kingsley understands that. Her argument is that no contact vetos have been put in place since 1995 so they should be left there. The same applies to information vetos. The problem with that approach is that it does not deal with people who are suffering and who want the overriding right to access information. I hope that is clear to members. It is driven by the argument that information about a person's original genetic history is important. It does not mean that a person who obtains information can make contact because contact vetos will still be in place.

It is unfortunate that my time has expired. This is a complex area; it does not affect a large group of people but we need to ensure that we approach it in as balanced a way as possible. I respect the views of the House, but it is a matter of trying to find a balanced and sensible approach.

Question put and passed.

Bill read a second time.