

ADOPTION AMENDMENT BILL (NO. 2) 2002

Second Reading

Resumed from an earlier stage of the sitting.

MR J.R. QUIGLEY (Innaloo) [2.33 pm]: Prior to question time, I pointed out that the philosophy behind the amendments to the Adoption Act -

Mr C.J. Barnett interjected.

The SPEAKER: Members, question time noise has spread into the general debate on this Bill. The member for Innaloo has the call. If members want to contribute to this debate, they should do it on their feet.

Mr J.R. QUIGLEY: Thank you, Mr Speaker. The purpose of the Adoption Act is not to provide a state service to childless couples but, where possible, to place children who are without families into families by way of adoption. As I said just before question time, this philosophy must be considered in the context of the reality, which is that in Western Australia there are on average 10 stranger adoptions each year and a large number of prospective adoptive parent applicants. It is not as though we are denying children a chance to be placed with families by placing this upper age ceiling on the adoption process. Literally scores of families make applications to be one of the selected families for, on average, 10 children a year. That is the real context of the situation. If the welfare of children is a consideration, and with that as the reality, why is there a call to blow out the age limit? What is the pressure to provide an unrestricted age limit when the 10 children who come up for adoption each year will be well placed with families who are in an age bracket that fits in with their contemporaries? What is the deal here?

Mr R.F. Johnson: How can they fit in with their contemporaries if they have two homosexual fathers, for goodness sake?

Mr J.R. QUIGLEY: We went through that with the debate on the gay and lesbian law reform Bill. The restraint that prohibited homosexual couples from applying to become adoptive parents was lifted from the legislation. They are entitled to make application. When placing a child, the State is required to consider the best interest of the child. The agency must consider the scores and scores of families who have applied and then choose the most appropriate couple with whom to place the child. The Labor Party does not make that decision. There are only 10 children. The agency must determine the best family circumstances in which to place those children.

Mr R.F. Johnson: Who does that?

Mr J.R. QUIGLEY: The adoption applications committee. The parent can put forward a profile of the sort of family he or she would like the child to be placed with. Ultimately, the discretion rests with the director for placement.

I will conclude with what was cited quite perversely, which is the other circumstance of perceived discrimination in this legislation; that is, the placement of indigenous people. I notice that the member for Kimberley has come into the Chamber. I am sure that she will want to say more on this issue. As the member for Hillarys just pointed out, the birth mother has the capacity to profile the type of family she would like the baby placed with. That is the first point. The second point is that these amendments encourage the director to place the child with a socially compatible family.

I will tell members of one tragic circumstance. A neighbour of mine, whom I will not name, adopted an Aboriginal boy. This boy was a lovely child. He used to surf at Trigg Point. He would skateboard past my place every day and I would talk to him. As he got to later adolescence and started along the passage to manhood, you could see him become more discontented with and a little lost in the community in which he was living. He was brought up by a wealthy and lovely family of an Irish background on West Coast Highway in Trigg. We all thought we were good people who cared about him, but he knew that he was not at home, even though he was with his adoptive parents. That led to some minor social problems, mainly to do with alcohol, which brought about the terrible circumstance in which he was struck by a motorist on North Beach Road in a hit and run incident. Seeing that he was concussed, the attending ambulance driver made an assumption that he was another drunken Aboriginal, and returned him to his parents' home without a full history of what had happened. The poor chap died in bed. A lot of his problems could be traced back to the fact that as he reached later adolescence and passed into manhood he did not seem to fit within his own psyche in this lovely area of Trigg. We all tried to make him feel welcome in our community, but it did not work, and that is why this amendment is being advanced. I am keen to listen to what the member for Kimberley has to say, but I am not aware from my years in legal practice that there have been many Aboriginal adoptions even within their own communities, let alone Aboriginal communities saying that they would like their children to come and live with my neighbours in Trigg or wherever else in the metropolitan area. This issue is culturally sensitive for our indigenous citizens and

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to put it forward as discrimination is perverse, because at the end of the day we must look at this legislation as being a service for children, be they white, indigenous or ethnic children. This is a service for children and not an agency through which people can acquire children. A child's interests must come first and foremost, and that is why I support the legislation both in respect of the age limit being lifted from what was proposed when the conservative Opposition was in government, and these sections dealing with cultural sensitivity. I commend the Bill to the House.

MRS C.A. MARTIN (Kimberley) [2.41 pm]: I support the Adoption Amendment Bill (No 2) 2002, and I take up from where my learned colleague left off. This debate is emotional for everybody; I understand that. We all have our points of view, but when we are dealing with adoption, the point raised by the previous member hits home to everybody, because it is the most important point. This is a service for children; this is not a service for anyone else. When a child is relinquished for adoption, the legislation must ensure that the needs of that child are met. Therefore, the obligation is on the Government to provide that protection in whatever way it can. This is really important. Nobody ever gets it right as a parent, but as a Government we cannot afford to bugger it up. I strongly believe that if we focus on the rights of a child - a child who does not have the ability to speak for himself or herself and make decisions - then we must get it right. If we have to legislate to do that, then so be it.

I have read this Bill and I am very critical of it. I have a personal interest. I know many people who have been adopted and, as a previous mandatory adoptions counsellor, I have had to deal with the mess we had before. The vetos are the next wave of rejection for these people. What happened? I would have to tell them there was a veto on their birth certificates and that some information was non-identifying. What help was that? It was another level of rejection. These people went looking for their families; no more, no less. There is a lot of controversy in this legislation. From the coalface, I inform members that there is nothing in the legislation that is not justified. It will stir up emotions. Let us be honest and stop looking at the needs of adults who have the ability to make decisions for themselves. Let us put the emphasis back where it should be: this is about children who do not have that ability to make decisions. The Government wants to take the responsibility to ensure that we do the best thing for our kids.

That over, I will raise a couple of points. I have sat back quietly and listened, and I respect members' views, although I may not agree with them. I will agree to disagree. That is what this place is about; it is about putting all the information on the table and making sure that everybody understands other people's points of view. That is my understanding of what Parliament is about. I am ready for debate. I will take members back a little bit. Everything is documented and it is at our fingertips. I will go for something that is personal. I have done it before, and I will do it again. The Aborigines Act 1905 was an Act of Parliament that discriminated against a group of people in this community. We still live with that today. Do members know how we know? I refer to the "Bringing them Home" report of 1997. It commenced in 1905; in 1997 it was put in writing. In 1972 I was removed from my family, pursuant to this piece of legislation with its amendments. Again, this is a very personal issue. Do members know why they did not adopt me out? It was because I kept bolting.

Mr R.F. Johnson interjected.

Mrs C.A. MARTIN: The member will have his shot. I refer to volume 4 of the report of the Royal Commission into Aboriginal Deaths in Custody. Members should look at all the ruined lives that that policy and others inflicted on indigenous people. It is not too difficult to read. It contains a methodology section that tells people how to read it if they need a hand. I also refer to the "Children in Limbo" report. Five colleagues and I strived to locate 24 kids as a result of this report; we located only 19. Where are the other five? We did not find them. That is what happens when legislation does not protect the rights of children. I want to know where those five kids are, and it grieves me not to know. This report came out in 1981. I do not want to give members a lesson in history, but I will, because until they are reminded, we are doomed to repeat the past. Let us not do that. We have an opportunity to do something with a piece of legislation that actually considers the needs of kids. That is all I want to push across, and I will push it.

I ask whether members have seen this book before? It is the *Rabbit Proof Fence* and it belonged to my aunty. Members need to know about this. This might be something that is written and is part of history, but it was never done properly. We have a mess to clean up. It does not matter which of the four generations - probably five - is referred to in this history. We must clean up the mess and put it on record and deal with it for what it is. It has been a long time since the introduction of the Aboriginal and Torres Strait Islander child placement principle - it used to be the Aboriginal child placement principles when I first came across them and helped develop them in 1983. It has been a long time since then. At several different times, people like me tried to make an impact on the legislation. This is a very emotional topic and people felt uncomfortable about making decisions. The legislation dealt pretty well with this matter. I looked at the age of adoptive parents. I have my own views on that and I will share them with members in a moment, but I have always made the right decision by looking at the rights of the child. We are actually part of a covenant that says that we respect the rights of

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children. It is important that, first of all, we clean up this mess, which is the old Adoption Act, and put in place something that will meet the needs of children in the future. When we make decisions for these children, who are not able to make decisions for themselves, we set the foundations for their future, so we must give them every opportunity to have a future that we would want for our own children.

It is not only our responsibility as legislators, but also our obligation to do the best we can for helpless children. The Government will achieve that by the passage of this Bill. That will not be easy and I know that members opposite had to say what they have said. All I ask them to do is consider a couple of matters and to be honest. History has shown, in everything I have said to the House today, that there will be repercussions if we do not do it correctly. Yes, I have heard the stories about dysfunctional adoptees who have committed crimes. However, let us get one thing straight: I reckon that if we had done the correct thing by those adoptees in the beginning and regarded them as clients, we would have had a better opportunity of assisting them to become adults and to contribute as members of society. That is what we are in this place to do: we are here to legislate -

Mr R.F. Johnson: You don't have any argument from us about that.

Mrs C.A. MARTIN: The member for Hillarys has had his go and will have another one; this is mine.

Mr R.F. Johnson: You haven't referred to the contents of the Bill yet.

Mrs C.A. MARTIN: I have it with me and I am getting to it. I do not care what the member for Hillarys thinks. The Bill represents the trust of Western Australians that the Government will legislate to provide for helpless children who are not able to make their own decisions. I am speaking to the legislation because the Bill is about doing that. It is not about clinging to the past. It is not about considering the needs of adults who can make their own decisions or who can stand outside the Parliament and protest or do whatever they want and have their needs known. Adults can do that; children cannot. We must have legislation to enshrine the rights of those kids and we must do it well. As I said, I acknowledge the opinions of members opposite but they should not think for one moment that I would sit in this place and accept them as the truth; I will not. I will agree to disagree. These are not the rules of engagement for me; this is just straight up honesty.

I have considered a few other clauses of the Bill and I will speak about them in consideration in detail. However, one matter about the child placement principle for Aboriginal and Torres Strait Islanders really hit me in the eye. Aboriginal culture does not have formal adoptions. Since I have been a member of Parliament, this is the only time I have not had someone else's child in my home. It is within the cultural context that we as Aboriginals have lived in a way in which we can have other children in our home. We have reared other people's children because it is our right to do so. We have not needed a legal process to do that.

I have heard rubbish from members opposite that the Bill is discriminatory. What about protecting kids? What about Aboriginal kids? I have read the Bill and members opposite should read it; that protection is there. Adoption for Aboriginal people does not work and is not part of our culture. It is not what Aboriginal people need and it is not what our kids need. If something happened to me, I have 20 sisters - they may not be biological sisters - who have the same role and responsibility for my children as I do for their children. There is therefore no place for adoption where I come from. Our kids have a place and there has always been a place for them. I cannot understand why we must perpetuate a myth that does not exist. We do not want adoption for indigenous kids. Members may find that here and there some people might want to place their children outside their cultural world. That is fine; that is their view. That is not an issue and is permitted by the Bill. In certain circumstances I can understand that view and I do not have a problem with it. However, Aboriginals relate to their own world view, and in that view adoption as referred to in this Bill does not exist.

Another matter that members must be aware of is that Aboriginal people have been subjected to welfare regimes for many years and been told that they are for their own good. It is now 2002 and they do not need it. We have proved that certain things can happen without a welfare regime and that Aboriginals do not need it. It is time for Aboriginal and Torres Strait Islanders to get up and do the things they need to do. Aboriginal organisations in the community have the capacity to do what they need to do to place children in their own family systems and do not need training to do that. All members need do is ask an Aboriginal person where he come from, where he belongs, where is his country, who is his mother and what colour is his skin to find out where that person comes from and his perspective of the world. Not acknowledging those matters is true discrimination. The argument about this Bill being discriminatory is rubbish. As I said, I will agree to disagree but I will challenge that untruth when I hear it. I will sit quietly after I have had my say, but when I hear untruths I will stand and speak my piece because I represent these kids who do not have a voice.

I have 8 000 kids in the Kimberley. Guess what? They are my kids; nobody can tell me differently. However, there is another group of kids for whom we have mucked up matters in the past and we intend to fix those matters. I acknowledge that will be a bit of a battle, but we will fix them because decent members in this House

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acknowledge the simple fact that this Bill will provide a service to children. We must love those kids and provide for their future.

The ability of the interests of kids to prevail in terms of their needs has been wiped out. I need too, but I am an adult and if I cannot get what I need in one way, I will get it in another way. Children have needs and I believe that by presenting this Bill to amend the Adoption Act, the needs of children will be paramount. That is the most important thing and I will keep coming back to that. Adoption is a service for children, not for adults. When a child is placed for adoption under this legislation, it will be because the child has found the correct place and that the adoptive parents suit the needs of the child; not the other way around. That is the most important thing. It is heartbreaking for people to relinquish a child. Hopefully, the amendments to this legislation will make that process more humane so that in future those people will have an opportunity to look back. Open adoptions are important to everybody. Where I come from, people do not have much if they do not know who they are and where they belong.

I do not want to say anything further except that I would like members to bring back the debate on the Bill to the needs of the child. That is all I ask. As I said, I will now sit quietly but the minute a member gets it wrong and I feel I must defend the kids, I will do so. I will back the minister any day in pushing forward this Bill.

MR J.P.D. EDWARDS (Greenough) [2.59 pm]: I am pleased to see this Bill come into this place. Obviously, changes must be made to the Adoption Act. I understand my colleague the member for Hillarys has some amendments on the Notice Paper and the minister, in her wisdom, has taken on board some of those amendments. I am sure the minister will assess the value of those amendments and the reasons for which they were put forward. I do not intend to go chapter and verse through every one of the member's amendments. Of course, adoption is probably one of the most emotional issues that we could discuss in this place. It affects many people. At the end, the welfare and the best interests of the child are paramount.

Along with probably many other members of Parliament, I have received much correspondence on both sides of the adoption argument, and some of those issues have already been raised in this place today. I must admit that on a couple of occasions my mind has wrestled with the right path to follow, particularly concerning the age issue. However, the amendment that will be moved by the member for Hillarys, which is a compromise, is one that I can live with, although I know that it will not necessarily be agreeable to some of those members who want the direction outlined by the member for Churchlands taken. The vetos on disclosure and contact have been covered in great detail, as has the director general's power to override parents' wishes. Therefore, I do not see much point in going over those issues again. As I said, I just mention the age issue.

A couple of issues were raised in the correspondence to me. I am not sure whether these issues are applicable, but I throw them into the melting pot because I do not know whether they are covered in the Bill as such. As a country member, I raise these issues on behalf of my country electorate and those people who live in the country and wish to adopt. Some of the issues raised by country people related to how they could apply for adoption, the cost and all the other issues involved in that. I am advised that teleconferencing is available and that if people wish to adopt, they must go through some courses to understand what adoption means, how it relates to them and the child, and obviously all the other issues relating to the birth parents etc. I am only quoting, so I leave it to this place to decide whether my facts are right. I believe that the figure I was quoted for the cost of a course was \$200, and that the fuel and accommodation allowance was \$400. Obviously, country people need that allowance. If they must come from a bush area to the metropolitan area, fuel and accommodation expenses are an important issue for them. I believe that a correspondence course is also available, although I have been told that it is not encouraged, and the package is inadequate for country people. Again, this issue has been raised with me, and I am raising it on the floor of the Parliament for the minister to give whatever answer she can.

Ms S.M. McHale: You want me to clarify the cost of adoption?

Mr J.P.D. EDWARDS: Perhaps that is the easiest way to answer that, yes. Basically, I want to know the cost involved for country people who want to adopt, how they go about it and whom they should see.

Ms S.M. McHale: The support they need.

Mr J.P.D. EDWARDS: Yes, that is basically what I am asking. I thank the minister.

Another issue was assessment availability for country people in an appropriate time frame. I suppose what I am saying is that if people apply for adoption, the possibility is that the time could drag on and on. If people are far removed from the metropolitan area, that is always a possibility. Therefore, country people are seeking a time frame for the course or whatever it may be that they must be assessed by - in other words, that they are given a start and shut-off time. That is basically what it comes down to.

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Those are the particular issues that I wanted to raise. I do not see much point in going over every issue that the members for Hillarys and Churchlands have raised. Those issues have been adequately covered. I could throw in various other quotes and questions that have been asked of me, but they have already been raised, the minister is aware of them, and I am sure that she will address them in her reply. I look forward to that, and, if necessary, I can always raise those issues at the consideration in detail stage.

MR A.P. O'GORMAN (Joondalup) [3.05 pm]: I support the Bill as the minister has presented it because I believe it puts the people involved in this issue - that is, the children - at the centre. We are talking about placing the children so that they will have the best opportunities to have as fulfilling a life as possible. This is not about adoptive parents, the community or the Government. It is not about anybody except those children who are in a situation in which they are required to be adopted. It is imperative that we all recognise and understand this. This is about the placement of a child and nothing else.

I noted with interest some of the issues raised earlier about the age debate and the argument that we should just abolish the age limits. I find this intriguing. When the member for Churchlands raised this issue, she said that there is no research to support the retention of an age limit. If there is no research to support the retention of an age limit, there also appears to be no research that indicates we should do away with the age limit. If we want to do away with the age limit, research should be done so that we can make sure our facts are correct before we interfere too much with the age limit. We all know and have heard of adoptive children, and even natural children in their own families, who find it difficult when their parents are much older than they are.

As has already been said today, the information that we have about the age difference is generally from stories that have been related to us. I have a short story to relate to the House. Not long ago I worked with a gentleman who had recently arrived from England. He was 52 years of age and was married to a much younger woman of about 32 to 36 years of age. They had a child of their own. This man said to me one day, "Tony, I don't know how I'm going to cope with this, because when I'm 72, this child will be 20. How will I relate to a 20-year-old when I'm 72?" He was very concerned about the effect that this would have on their relationship. It is on these sorts of anecdotal stories that we base the age of so-called discrimination. I do not believe it is discriminatory because, as I said before, this is about children, not about parents or providing childless couples with a method of fulfilling their desires to have a family.

Consistently, the number of people who are approved to be adoptive parents is far greater than the number of children put forward for adoption. This is borne out by the fact that only six to eight children are put forward for adoption. Various members have mentioned different numbers today - up to about 10. That is about the maximum number of children put forward each year for what is called stranger adoption. Some of the lobbying suggests that we can overcome that by bringing children from overseas and having overseas adoptions. In Western Australia, there are about 20 to 30 overseas adoptions a year. That varies, depending on the year, the country with which we are dealing and the way in which its legislation fits with ours at the time.

Western Australia's population represents about 9.8 per cent of the Australian population. Western Australia matches that percentage in overseas adoptions; that is, it has about 9.8 per cent of overseas adoptions each year. South Australia seems to be the only State that goes outside this rate, because it has many more adoptions. There are a number of reasons for that. The first is that South Australia has a completely different model for adoption from Western Australia. In South Australia a private agency looks after adoptions, not a government agency. South Australia also provides for multiple placements to one couple - usually sibling groups of two or three children. Western Australia is not the only jurisdiction that places restrictions on overseas adoptions. Overseas countries place restrictions on the number of children they allow out of their country. Korea is a prime example of that. Many countries around the world have elected to maintain orphanages with large numbers of children. Rather than operate a social security or other system, they choose to keep children in an institution rather than provide for them in a family home. Members will be aware that Romania is a prime example of this type of system.

I have been lobbied by many people through letter, e-mail and fax. Not one person has spoken to me face-to-face about this issue. I have received very similar letters from different people, so I suggest that the lobbying is probably orchestrated by a certain group of people. The argument that has been pushed is that many couples in Western Australia are successful people with good homes and all the modern conveniences, generally they have substantial or at least reasonable income levels, and they are in stable relationships. It has been suggested that these would be ideal adoptive parents. It is not for me to decide whether they are. It has been found that people in this situation made the conscious decision to hold off having children until a later age - in their late thirties or early forties. However, when they get to that age, they discover for one reason or another - usually medical - that they cannot have children. They then seek IVF treatment. Adoption is their last option when they cannot procreate. I am not condemning them for their choices, but adoption is not their only option. They have many options. I would like to promote one of those options. It is foster care.

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If so many people in this State think they would be good parents - they have good family homes and good resources - foster care is one of their options. Lots of young people in this State find themselves without a home for one reason or another. Sometimes it is because their parents do not have the parenting skills and they clash with the children, and sometimes it is because their parents are deceased through accident or disease. Many children in this State require homes. I would like to point out the major difference between adoption and foster care. Adoption has the notion that a child becomes part of a family. People have to be careful how they say that because it perpetuates a notion that children are possessions, when they are not. Adoption means that children are part of a family from a young age right through their lives. Foster care is a temporary solution for a set of circumstances at a particular time. That is true to a point, although there are also long-term foster placements.

Some of these prospective adoptive parents can put their names forward as long-term foster parents if they really want to provide a home for young people or children who do not have a home. That is what they are putting across when they say they can go overseas and adopt children from institutions overseas. At the moment, some 900 children are in foster care placement and many more carers are needed. That is statement of fact and we all know that.

My family and I have been part of the foster care program, which is why I want to promote it. I am at the stage where I am moving on from the foster care program. We have had four young people in our care over 12 or 14 years. One of these was a long-term placement. I am happy to say that at 23 years of age my son - I still call him my son and he calls me dad, although not to my face but to his friends - is still part of our family and he considers us to be his role models and advisers. When he gets in trouble - I do not mean with the law or anything - or has problems he comes to us for assistance. My natural children - my two girls - do the same thing. My daughter is 21. She has left home, like Charles, and they both come back to us for advice at different times, as I am sure do the children of members around this Chamber. Some of the other placements were short term. I am happy to say that we consider them to be lifelong relationships. Some of those young people have not been back to us for quite some time and some of them drop around occasionally just to say hello or ask for advice for all sorts of reasons - just like a normal family. Being a foster parent is a great experience. I can say to those people who are seeking to adopt a child but for one reason or another have not been accepted as adoptive parents or have been accepted and the adoptive children are not coming forward fast enough for them, that it is a great option.

It is true that most foster carers are selected because they have already raised their own children and have learnt the life skills and parenting skills required to bring up children and so have experience dealing with those problems. Not having children does not preclude people from becoming foster parents. A couple or an individual can apply to be a foster carer. I want to emphasise that not having the experience of their own family does not preclude them. Many people who are not parents could be successful and caring foster parents. I know people who have done that.

I will come back to the motivation for my family to foster children. It came from a documentary I saw on television. I cannot remember how long ago it was, all I can remember is that while I was on a trade union training course at James Street I saw a documentary about boys, mostly in the eight to 12-year-old age group, who could not find adoptive parents. The program related to the situation in New South Wales and said that these young boys could not be adopted out because they were viewed as a problem. We all know that boys entering their teenage years can be a little difficult at times. My wife and I had two girls. We would have loved a boy but we decided not to keep trying for a boy - a natural child. We put our hand up to adopt a boy, but when we spoke to the department in Western Australia we were told that Western Australia did not have a problem adopting out eight to 12-year-old boys because it ran a foster care program. We went down that road, and were approved as foster carers. As I said, we have had four children in our care over 12 to 14 years.

I urge any prospective adoptive parents who would like to provide for the best interests of a child, and who may fall outside the age criteria for adoptive parents - there are no age criteria for foster carers - or who may already have been selected as adoptive parents, to consider fostering if adoptive children are not available. It is a great way to go. It provides huge returns to foster carers. I know that people do not become foster carers for the returns, but when a young person is placed with a family and that placement works out - not all of them do - and they move on, it gives the foster carer a great sense of achievement, as it does the young people. Those young people still come back to me, my wife and my girls and we have a great relationship going. I would like to stress that adoption is not the only option. Foster care is another option that people should look into. Some of the people who are struggling to meet the criteria for adoption should opt to be foster carers; it is a great way to go.

MR M.F. BOARD (Murdoch) [3.09 pm]: I will be brief, but a number of things need to be said about this Bill. It is important that we are dealing with this Bill today. I believe that the amendments contained within the Bill reflect the changing moods, standards and requirements in our society and also, to some degree, will give greater

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protection to the rights of the child, as the Select Committee on the Human Reproductive Act 1991 indicated should be the case. I would like to comment on a number of parts of the Bill, as other members have.

The first thing I put on the record is my admiration for those people in our community who try to adopt a child. Not all are successful, but I have complete admiration for them in their attempts to do so. In general terms, the vast majority of people who choose to adopt do so with the interests of the child in mind and because they feel that through their successful relationship, they will be able to provide adequate support and long-term security for a child. The hoops, barriers and procedures that prospective adoptive parents need to go through in this country, and this State in particular, are horrendous. They are necessary and important, and I would not walk away from them; however, those who put themselves in that position find it becomes a horrendous situation. It takes years to get through the system, and people are asked very personal questions and must deal with emotive and personal issues about their own relationships. They must also deal with the system, the legal requirements and, possibly, an international body. Many drop out because they are unable to deal with the many hurdles that are put in their way. We should be realistic about the outcomes of adoptions in this State. There are few adoptions compared with 30 or 40 years ago. That is a good thing to some degree. It might be a bad thing because people are choosing to not give birth to a child, and they are issues that were dealt with during the abortion debate in this Parliament. However, some people relinquish children for whatever reason, and adoptions take place. The process by which we can meet the needs of the child, support families that want to adopt and provide security for a child, and give those families an addition to their lives results in a very welcome outcome. Few adoptions take place. The majority of adoptions in Western Australia are international adoptions. The next biggest category of adoptions is step-parent adoptions. As the member for Joondalup indicated, there are very few stranger-type adoptions of young people in this State. However, I am sure that when they do take place, the outcomes are very successful.

I want to address three issues. The first is the age criteria, which have been raised in the Parliament and have been much debated by particularly the interest groups that have sought the ears of members of Parliament. I personally think that the age criteria need to be expanded. The legislation currently contains an age barrier that is no longer valid. I know the Minister for Community Development, Women's Interests, Seniors and Youth is amending that, but I do not think her amendment goes far enough. I will support the further amendment that will be put forward by my colleague the member for Hillarys. That amendment would expand the age criteria further so that the age difference between the adoptive child and the younger parent would be a maximum of 45 years; and between the child and the older parent, it would be a maximum of 55 years. That is the position that our party room has adopted. Although we do not talk about party room decisions, there was some discussion about not having any age criteria. However, we believe that this position provides a better balance than the one put forward by the minister.

The member for Kimberley raised issues about Aboriginal adoptions. That raises the whole spectre of people's cultural and linguistic backgrounds and any selection criteria based on that. I place on the record that although I totally understand and support in principle what the member for Kimberley has said, I could not agree to any legislation that prohibited people from adopting a child who did not share their ethnic background. In other words, I would hate to see a situation in which non-Aboriginal families were legislated against adopting Aboriginal children. I understand entirely that if there needs to be an adoption in the case of a child being relinquished by an Aboriginal family, every effort should be made to place that child in a cultural background that would benefit the child. I support that. However, I would hate this Parliament to outlaw or legislate against any other situation if and when it might be in the interests of the child. The reason is that this State could start moving down the path of an Apartheid regime. I do not use that term lightly. However, it would not be far from saying that only Vietnamese families could adopt Vietnamese children or only families with a Thai background could adopt Thai children. The same could also be said about African families or any other racial background. We could then prescribe the same restrictions for religious groups so that only Muslim families could adopt Muslim children. I think this State would find itself in a situation that it was not particularly proud of. Although every effort should be made to ensure that such things are taken into account - I am sure they are - I would hate to see legislation that prevented cross-cultural, cross-religious adoptions from taking place. That would be something that we, as a Parliament and a community, would regret. In fact, it would restrict most overseas adoptions. Generally, the object of overseas adoptions is for people to adopt children who are not part of their cultural or historical background. As a result, we ought to be consistent with our views and claims that we are a multicultural community of great tolerance that accepts the values of other people. We should not tolerate artificial restrictions on only one race or background. Again, I repeat that we ought to make every effort to ensure that the interests of the child are paramount. Generally speaking, the interests of Aboriginal children would be best served if they remained with an Aboriginal family or a family with that cultural background. It would be abhorrent to legislate against that. In an outstanding situation, we might find that it is in the interest of the child to do exactly that.

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I will address the deletion of the veto for relinquishing parents and the rights of children to access information to find out the names of their parents. I support that proposal entirely. The interests and the rights of the child should be paramount. I hope that in some way the deletion of that provision does not change people's minds about carrying a pregnancy to its full term. Considering that so few Western Australian children are given up for adoption, I doubt whether that would be a factor, but it is important that we recognise that some prospective relinquishing parents might be concerned about that matter.

In saying that, some aspects of this Bill must be considered. I made a casual comment to the minister, which I must put on the record, that if we allow children to access information to ascertain who their parents are - who, under the law have previously been able to remain anonymous - we must look at artificial insemination and the issues that will arise out of that. For example, the father of a relinquished child may be a sperm donor. As a result of this legislation, although it is not covered under the Bill, there might be some conflict about the child's right to know who both parents are. In this case, the father is the sperm donor and the mother is the relinquishing parent. Under the artificial insemination legislation we have dealt with, I am certain that the sperm donor will be covered. However, there is now a trend towards and an understanding of requiring that children, adolescents and adults be given information about their parents. The trend in that direction will continue and this Parliament must consider the consequences of further developments in that regard. Those developments may relate to the sperm bank and the sperm and ovary donors who provide donations to be used for artificial insemination. We must consider the consequences this legislation will have on that process.

In general, the Opposition supports the legislation. The shadow minister will move a number of amendments in line with the areas about which he is concerned. We commend the Government for introducing this Bill. I support the principle of adoption. I admire the people in this State who adopt children and I acknowledge their efforts in providing security for children of this State who need support.

MRS D.J. GUISE (Wanneroo) [3.33 pm]: I support the Bill. Any adoption legislation must be designed to protect children. The fundamental principle that adoption is in the best interests of the child must underpin everything we do and say. First and foremost, every consideration has to be given to the children. I will not address this Bill clause by clause; I will leave that to the consideration in detail stage. However, I will touch on some important issues that arise out of this legislation and the Act that it will amend.

I will address the issue of the Aboriginal child placement principle. As a nation, we have acknowledged and understood the issues faced by the members of the stolen generation. We know that many practices of the past have caused immense suffering to parents, families and communities who have suffered a loss of belonging, language and culture. I believe it is a birth parent's choice whether to place a child for adoption and to have a say in who the adoptive parents are. These are very important principles for adoption. In this instance, the Bill aims to tread a delicate balance between the right of the birth parents to choose the adoptive parents and also the strong interest and support from the Aboriginal and Torres Strait Islander communities for Aboriginal children to remain connected to their heritage. The amendments will provide a legislative framework to ensure that culturally appropriate processes are implemented in the placement of Aboriginal and Torres Strait Islander children for adoption.

In learning those lessons from the stolen generation, we must also think about issues relating to children from other countries. I refer to issue No 78 from the October 2002 publication of the Association Representing Mothers Separated from their Children by Adoption - ARMS. An article titled "A Response to the Colour of Difference", which was edited by Sarah Armstrong and Petrina Slaytor and was published by The Federation Press Pty Ltd in Sydney in 2001, states -

But what of the children . . . who are now being brought to Australia from countries in Asia, South America and Africa? Are they not also being taken from their communities, from their families and from their mothers? Are they not also losing their language, their culture and their sense of belonging to the nations into which they were born? Are not their communities, their families and their mothers also suffering from the loss of those children? Are not those children being damaged in the same way in which we recognise that Aboriginal children were damaged, regardless of any possible material advantages? We no longer remove Aboriginal children from their communities, because we do not want any more Aboriginal people to suffer in this way. Sadly, we seem to be creating a new *Stolen Generation* of displaced persons who have been removed from their countries of origin and placed in not just a foreign culture, but also a foreign country.

That article was worth reading because it challenges us to think about the policies and attitudes that have allowed these children to be taken from their people and it challenges us to think about what our responsibilities will be. Currently for intercountry adoptions, there is no opportunity to provide guidance to the overseas country about matching the attributes of applicants to the characteristics of a child. A proposed amendment will provide for

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recommendations to the department on age, origins, ethnic background, medical behaviour or psychological care of a child whom the applicant or applicants is or are suitable to adopt. The intention is to ensure that approved applicants have parenting and interpersonal attributes that will align with the needs of the child.

All adopted children from overseas have experienced loss and grief. Some have been in institutions and can lack physical and emotional responses to their new parents. Therefore, it is incredibly important to properly match the needs of the child to the capability of the adoptive parents. Hence, the amendment will enable some guidance to be given to the matching authorities and is in line with the United Nations convention of the rights of a child that the carers are matched to meet the needs of the child.

Ms S.E. Walker: This is not a couched question, but when you say children are being brought from overseas, do you say that they have suffered? Can you explain that to me?

Mrs D.J. GUISE: Many of those children have suffered. Some have experienced the loss of parents. I have talked to Vietnamese families in my community who came to this country on boats as refugees. A mother I know of had half an hour to decide whether she would save three of her four children. She chose to save three children and the fourth child was left behind. Left in institutions, those children get separated and things happen. When they are found, they are often in an institution and are permanently separated from their parents and could be adopted elsewhere. In certain circumstances, they have incredible physical and emotional needs because they have been hurt in countries with war situations and also because of the impact of the separation from or loss of parents due to war or other circumstances. It is incredibly important that we recognise this and try to make an appropriate match. However, I was reminded when reading the article that we need to heed the lessons learnt from the experiences of indigenous Australians and continue to provide resources and support to communities and families overseas to raise their children in safer and healthier environments. That is a far better way to go. However, the adoption legislation review has recommended that appropriate recognition be given to the importance of continuing a child's cultural, religious and educational background when the child is adopted from overseas. Many adoptive parents - I have many of them in my community - go to considerable lengths to recognise a child's origins and to acknowledge that a willingness to continue a child's cultural arrangements is an important symbol on the part of the adoptive parents towards the recognition of the child's origins. The change in the Bill provides a minor strengthening of the recognition given to these factors and stresses to applicants the importance of a child's culture to adoptive parents. Overseas parents have not necessarily consented to allow their children to be adopted simply because they are in an institution. We do not want our adoption laws to place pressures on parents in overseas countries to relinquish their children because of poverty, social dislocation through war, unemployment or disability. The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption sets up a hierarchy of stages so that children are to be cared for first within their country of origin by either family or adoptive parents and then, if that is not possible, they may be offered for overseas adoptive placement. Many countries, including Australia, are signatories to this convention.

I believe the impact of this Bill will be that more prospective adoptive parents will be able to have a second or subsequent child placed with them because of the Government's new recommendation to introduce a higher age cap for subsequent adoptions and that the adoptive children will have the opportunity to be raised with an adoptive sibling due to the introduction of the second age gap of 50 years.

That brings me to the age criteria. It is amazing how personal experiences catch up with us in this place. I had an elderly mother in comparison with my peers. I am also the adoptive child of a step-parent. I was 25 years of age when we adopted each other - an interesting concept. I might refer to that a little later. Everyone is well aware that the Government proposes that the maximum age gap increase from 40 to 45 years for the first child and to 50 years for the second child and subsequent children. The upper age gap has been retained in the Bill because it is not considered to be in the adoptive child's long-term interests to be adopted by people of just any age. The Bill is constructed in a way to maximise the best placement for the child. Members have heard it said repeatedly that this is not a service for adults who want to care for a child; it is the child who will benefit from the service. It is in the best interests of the child to be placed with adoptive parents whose age profile does not significantly differ from that of the general population. The age criteria do not discriminate; the rules apply to all parents. For the benefit of the member for Hillarys, it applies whether they are straight or gay; he will be pleased to know that.

On a personal note, this is an issue that I struggled with. I have indicated that I had an older parent in comparison with my peers. I had a terrific mum. This is an issue about which the heart struggles with the head a little. As the member for Churchlands said, age does not necessarily have a bearing on good parenting. I had excellent parenting. However, other factors have an impact. I know because I experienced some of them; I do not deny that. This is when one's intellect as a legislator must take precedence, because we have a responsibility to establish what is in the best interests of the child. Having an older parent can be a struggle, especially when

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the child is the odd one out. Hurtful comments, embarrassment, problems with communication due to a wide gap in age, not to mention the fear of losing parents, not having grandparents and their own children not having grandparents can be experienced. There is also the very real possibility of being placed in a position of caring for aged or infirm parents. I can tell members that this is a very real effect of having an aged parent. It is a struggle. For some of us, fortunately, we have a parent for a considerable length of time. However, that has not been the case for other people I know. At a very young age they had to become the prime carer for a parent. It is not ideal. I do not think any of us would say that we did not appreciate every minute we had with our parents. However, it has an impact when a child has no experience of a grandparent and does not have an extended family and when that child's own children are not able to experience having a grandparent around.

As the member for Churchlands said, we do not have any guarantees, and that is quite true. However, in this instance, we have a responsibility to try to do the very best for children who are already up against the odds. It is an ideal to try to aim for a gap in age so that the child can have an expectation of a long period of nurturing and can have an extended family. From my experience in schools, sadly, that is not the case. I know that we are changing. Families of today are diverse. The Bill reflects the trend in Australia for couples to postpone having a family. Nonetheless, the average age for first-time mothers in Australia is 29 years and only three per cent of men aged 45 and older become fathers. I will concede that in an ideal world, as technology and medical expertise develop and, ironically, as we become older, perhaps then we will be able to look at this legislation and change it yet again. In this instance, I am persuaded by my intellect over my heart. I believe the higher age gap in the Government's Bill will permit applicants a very generous allowance of years in which to seek adoption.

Ms S.E. Walker: Will you take an interjection?

Mrs D.J. GUISE: No; I have far too much to say and I want to get through it. Perhaps I will respond to the member during the consideration in detail stage.

Changing the age criteria will not alter the number of children available for adoption. Generally there are more applicant parents than children available for adoption. This is the case even for overseas adoptions. I have given this issue a lot of thought, and I believe the Government's proposal for the age criteria is responsible.

Others have spoken about foster parenting, so I will not go into that at this stage. I will move on to the role of the department. I believe the department has a responsibility to ensure that applications are processed as speedily as possible. Everyone recognises that measures have been taken to ensure that that is the case. The department is to impartially serve the different parties and needs as best it can within the scope of the legislation. When conflict exists, the interests of the adopted child are of paramount importance. In administering processes, the long-term welfare of the child must be the department's main focus.

I indicated before that I am in the interesting situation of having been adopted at the age of 25. Even then the full processes were applied. Even though I was an adult, my mum and step-dad had to go through the court procedure. We did it because of a name change. At the time it was easier to get adopted than it was to change a name, which was a bit strange. We went through the court, and the judge said that he wanted a piece of the wedding cake. It was interesting that even then the full processes applied. I think it is appropriate that that happen, even for an adult. All measures should be taken to ensure that it is a right and proper adoption.

I will now discuss the veto changes. I understand that at this stage, fewer than 50 people in this State have existing information-only vetos in place. They will all be contacted confidentially prior to the proclamation of the legislation to establish whether they wish to place a contact veto. It is incredibly important that we recognise their views. The 1997 adoption legislative review provided an opportunity for public comment on the important issue of access to information. The submissions highlighted the differing views in the community on vetos and the majority of those who supported their removal.

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

Mrs D.J. GUISE: It is a basic human right for people to be able to access all information about themselves and know of their origins, their family heritage and important information about their health. This Bill prevents new information and contact vetos from being registered on present or new adoptions. The Bill will also cause the currently registered information vetos to cease two years from the proclamation of the legislation. In circumstances in which an information veto is currently registered, it will be mandatory for a person to attend an interview before identifying information is released. The interview will explain the implications of the release of information and the offence provisions. In addition, all parties will be offered support and counselling. This is the right and proper thing to do. If a current contact veto is in place and the request for identifying information is received by the director general, then this information cannot be released unless the applicant signs an undertaking not to contact the person who registered the contact veto. When current registered information vetos cease in two years, the currently registered contact vetos will continue. The 500 people who have existing contact and information vetos will be contacted so that they know of the change in advance.

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The other two scenarios that concern me are when an adoptive parent has not disclosed whether his or her child is adopted and where the birth mother has not disclosed the relinquishment of a child to her family. When an adoptive parent has not disclosed that the child is adopted, the current Act does not offer protection, because an adoptive parent could have lodged an information or contact veto to prohibit the birth mother gaining information. However, once the child turns 18 years of age, the vetos lapse. Provision is being made for any child whose parents have registered an existing contact veto on his or her behalf to be able to register requests for contact veto within 12 months of his or her eighteenth birthday. This will ensure that any existing contact veto should be able to remain and that children covered by a contact veto by their adoptive parents can retain this provision when they turn 18 years of age.

This Bill has been structured to address the circumstances in which a birth mother may be anxious about unwarranted contact with her child where she has not disclosed a relinquishment of a child to her family. In 1994, the provisions to register contact information vetos were publicised. A small percentage of the adoption population chose to register an information or contact veto. This provision provided the opportunity for people who were concerned about unwanted contact to have some protection. However, it did not stop adoptees from obtaining the birth mother's name from the adoptive parents and then contacting the birth mother. This Bill does not remove contact vetos; therefore, a birth mother will be covered by the provisions outlined above. It is assumed that if birth parents have not registered a contact veto, they are okay or, at worst, ambivalent about the likelihood of contact but not totally resistant to contact. I have also referred to the protection that will exist for adoptees when they turn 18 to prevent unwarranted contact with birth parents, which is a welcome addition to the Bill.

In closing, I will quote from a speech that was given in this place on 5 November 1985 by a former member for Wanneroo, Jackie Watkins. She was a relinquishing mother who made many contributions during her time in Parliament on adoption legislation and her speech stands well today. She said -

Before concluding I will quote from *The Prophet* the words of Kahlil Gibran which I believe are very relevant -

Your children are not your children
They are the sons and daughters of life's longing for itself
They come through you but not from you
And though they are with you yet they belong not to you
You may give them your love but not your thoughts
For they have their own thoughts
You may house their bodies but not their souls
For their souls dwell in the house of tomorrow,
which you cannot visit, even in your dreams

If a relationship is stable, adoptive parents have nothing to fear but much to gain by allowing their children to know as many forms of love as possible. Love is the only thing which multiplies as it is divided. Reunion provides adult children with a love for their natural parents and an even deeper love for their adoptive parents. The happiest parents are those who are able to share their children's love with others, for they are secure in the knowledge that their child loves them and that they have and will always have a very special place in that child's heart and life.

In conclusion, I urge members to support the Bill.

MS K. HODSON-THOMAS (Carine) [3.57 pm]: I do not intend to deliver a long speech; I will keep my comments to a minimum. However, I want to convey what many members have also articulated in their address today; that is, that this legislation must be in the best interests of the child, which should be the fundamental principle. I will touch briefly on the age limitations in the legislation and, in doing so, I will reflect on some deliberations that were made during the work of the Select Committee on the Human Reproductive Technology Act 1991. The committee reported in 1999. The Minister for Community Development was a member of that select committee as was I and the former members for Kalgoorlie, Greenough and Joondalup. The committee examined a number of issues about the rights of access to procedures, age limitations, information about genetic parentage and a range of other issues. However, today I wanted specifically to deal with age limitations and to reflect on some of the comments that the member for Churchlands made earlier in her address when she said - I do not know whether she used these particular words - that one size does not always fit all. This legislation is about providing an opportunity for people and not about putting up barriers that make it impossible for people to be adoptive parents.

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I refer to a number of comments in the select committee report regarding age limitations. The reference to which I will allude refers to an increase in the age limit to 45, but I intend to add to that. Page 47 of the select committee's report under 5.5 Age Limitations states -

Joyce and Hildebrand (1994) felt that older women are discriminated against if they wish to conceive or adopt children. Selecting older couples has two advantages from the point of view of stability. If they married later in life they are less likely to divorce and if they married early they have passed that time of highest risk for divorce. The authors suggested that the upper limit for IVF should be increased to 45 years and the lower limit raised to 26 years.

Although the Government is looking at an increase in age to 45 years, I am also aware that our report went on to talk about assisted reproduction and family issues. Ann Jequier stated that she believed that one of the most common arguments against late pregnancy is that it may leave the child motherless at an early age. She pointed out that women are living much longer. That is very true. We know that from research. She felt that from a social point of view there are few arguments against pregnancy for older women. We were talking particularly about pregnancy, but there are certainly a great number of parallels between pregnancy and adoption. Our recommendation was that treatment should not be available when the ages of either party, meaning a man or woman, exceeded 55 years of age, except in exceptional circumstances as decided upon by the Reproductive Technology Council.

Debate interrupted, pursuant to standing orders.

[Continued on page 1891.]