

ADOPTION ACT — STATUTORY REVIEW

Statement by Minister for Child Protection

MS S.F. MCGURK (Fremantle — Minister for Child Protection) [12.13 pm]: I am pleased to table a copy of the “Statutory review of the Adoption Act 1994” before the house today.

[See paper 2061.]

Ms S.F. MCGURK: a review of this act is required five years after the commencement of the Adoption Amendment Act 2012. The current Adoption Act was introduced in 1994, which brought changes to the adoption process by removing the secrecy that had surrounded adoption and facilitating access to identifying information for parties to an adoption. This is the third statutory review of the Adoption Act, with previous reviews undertaken in 1997 and 2007. This review was undertaken on my behalf by the Department of Communities, with the support of a reference group made up of key stakeholders from government, the Aboriginal community and the community services sector.

The terms of reference of the review were to consider the implementation and administration of the act; the extent to which members of the public are aware of the effects of the act; the effect of the act on birth parents, adoptees and prospective adoptive parents and the relatives of parties to adoptions; and such other matters as appear to be relevant to the operation and effectiveness of the act. The statutory review of this act provided an opportunity to consider the adoption process, ensuring it continues to operate effectively and remains focused on a child’s best interests and wellbeing.

There were 31 recommendations made to strengthen the adoption process, which include increased guidance around determining the best interests and wellbeing of a child to continue to put the child at the forefront of everything we do in adoption; better acknowledgement that adoption as expressed within the act is not part of Aboriginal and Torres Strait Islander culture; strengthened processes in respect of adoption of Aboriginal and Torres Strait Islander children to ensure that their cultural identity is preserved and developed; mandatory counselling for children required to consent to their adoption and for birth parents under 16 years of age considering adoption for their child; and increased focus on the development and maintenance of sibling relationships through the adoption plan. This review does not recommend changes to carer adoption, which includes adoptions by a foster carer. Foster carers can still apply to adopt children in care.

Adoption is only one of a number of long-term care options for children in out-of-home care in Western Australia. Adoption must be considered on a case-by-case basis and ultimately be in the best interests of the child. Long-term foster care and special guardianship orders not only provide a child in care with a long-term stable home, but also support children to maintain connections with their birth family. A special guardianship order enables a child to make a choice about their adoption once they reach 18 years of age.

I encourage Western Australians to consider opening their hearts and homes to the rewarding possibilities of foster caring. I acknowledge and thank the members of the reference group for their time and contribution to the review. The government will now consider its recommendations.