



Adrian Pederick MP
Member for Hammond

HOUSE OF ASSEMBLY
Thursday, 26 February 2015

STATUTES AMENDMENT
(RIGHTS OF FOSTER PARENTS AND GUARDIANS) BILL 2015

Introduction and First Reading

Mr PEDERICK (Hammond) (10:32): Obtained leave and introduced a bill for an act to amend the Births, Deaths and Marriages Registration Act 1996 and the Family and Community Services Act 1972. Read a first time.

Second Reading

Mr PEDERICK (Hammond) (10:33): I move:
That this bill be now read a second time.

This is a bill that is the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2015, colloquially known as 'Finn's Law'. This is a new bill with some slight changes in it to my 2014 bill in relation to this particular aim at changing the legislation.

My first contact with Monica Perrett was when I learnt that she had won the Barnardos Mother of the Year Award for 2014. I was extremely delighted to learn that Mrs Perrett, a well-deserved mother in the electorate of Hammond, had received such a prestigious award. Monica's award symbolises the efforts of a caring, nurturing mother of not only her own biological children, but also those she has chosen to foster, including little Finn—now deceased—and also her granddaughter.

This is a very moving award and is recognition that Monica, a foster parent and mother, was being recognised for her efforts.

Monica Perrett is a mum to six children and has been a carer for the aged and disabled for over 12 years. She is also an active donor to a variety of different charities, especially those working with children or those whose lives are less fortunate. She is also a crusader for people who are unable to speak for themselves, and almost single-handedly brought down a nursing home for severe abuse of the elderly.

Little Finn—who Monica fostered in 2014—was, in fact, her nephew. However, in Monica's eyes he was nothing less than her own son. Finn's biological parents allowed Ms Monica Perrett to become little Finn's carer until he turned the age of 18 years under the guardianship of the minister. When little Finn was born he was

diagnosed with numerous medical conditions, including spina bifida, fluid on the brain and a hole in the heart.

Finn was born in February 2014, and entered Monica's care in March 2014 under the guardianship of the minister until the age of 18 years, and under the 100 per cent care of Monica and her husband. In April 2014 Monica Perrett won the Barnardos Mother of the Year Award in South Australia, and in May 2014 Ms Perrett kisses Finn goodbye to fly to Sydney for the 2014 National Mother of the Year Award, and heartbreakingly 12 hours later little Finn passed away, unexpectedly, after an emergency admission into hospital.

There is nothing I can imagine that would ease the pain of a mother or foster parent losing her baby. However, on 7 May 2014 this pain was of the worst kind, with the Perretts not being given the opportunity to say goodbye to their little Finn. In many cases the foster parents have been a huge part of a child's life. The current legislation states that only the biological parents are provided with the rights of the child, including details such as reason for passing and funeral arrangements. When dealing with Families South Australia, Ms Perrett was denied any information about her foster son, Finn, passing, with the reason given that she was not Finn's biological mother. She was also advised that, although she was granted the right to be the foster parent of little Finn until the age of 18 years, she would not be involved in the funeral arrangements unless the biological parents, her brother and his partner, wanted her to be.

Initially this was not the case, as the biological parents, who lived in Queensland of no fixed address, denied this, and again you can only imagine what Monica and her husband had to go through for the right to understand the cause of death, any funeral arrangements and the right to say goodbye.

Currently when a foster child passes away all the rights of the foster parent or parents had with the child, all responsibility and decision making ability, goes back to the biological parents. This meant that Monica and her husband Nathan were left with no say. This applies irrespective of the child's age and the length of time the child had spent with the foster parent.

Monica has described this as a living hell, battling Families SA rules under which biological parents regain first rights to a child when they die, leaving foster parents with no say. Departments such as Families SA are restricted in their ability to act in accordance with what they may perceive to be fair and reasonable in these circumstances.

Currently, legislation, including the Family and Community Services Act 1972, stipulate that there is no requirement for foster parents to be involved in the funeral process. The Births, Deaths and Marriages Registration Act 1996 in its current form does not provide foster parents with the opportunity to be acknowledged and involved in viewing the body or being acknowledged on the death certificate.

In June 2014 Ms Perrett started a petition to raise awareness of the issues surrounding her battle with bureaucracy once Finn passed away. This petition of

approximately 38,000 signatures, backing the grieving mother, Monica Perrett, was to convince the government to change procedures when a child in foster care dies.

The Families SA Chief Executive contacted Ms Perrett, asking her to meet with the minister responsible. In the same month, Ms Perrett secures commitments from the minister for education and child development, Jennifer Rankine, and the Premier of South Australia to review the changes—

The SPEAKER: The member will refer to other ministers by their ministerial title or electorate title and not by their Christian name and surname.

Mr PEDERICK: Thank you, Mr Speaker—from the then minister for education and child development, the member for Wright, and the Premier of South Australia, to review the changes she had campaigned for on behalf of all foster parents. These commitments include expediting the viewing of a child's body by foster parents and include an addendum to a death certificate to recognise the role of foster parents in the child's life. I believe that Monica has heard nothing since from the government. I remind the new Minister for Education and Child Development, the member for Port Adelaide, minister Close, of the government's promises—

The SPEAKER: The member for Hammond will be seated. The practice of the house is invariable—not to use a member's Christian name or surname. There are compelling reasons for that standing order. It is partly for the avoidance of quarrels. It goes back centuries. It is wisdom. I have just cautioned the member for Hammond about it, and he has done it again almost immediately. Member for Hammond.

Mr PEDERICK: I remind the new Minister for Education and Child Development, the member for Port Adelaide, of the government's promises previously made on ABC radio on 13 June 2014, when the then minister, the member for Wright, promised to look into contacting the department of births, deaths and marriages to see if they can add a statutory declaration to each death certificate of a child who dies in foster care acknowledging the foster parents if it is appropriate to do so.

Also, I remind both the minister and the Premier of South Australia of the promise to write to and acknowledge all the foster parents who have been in similar situations so that their roles as parents in the lives of these children do not go unnoticed or forgotten. The Perrett family fought this issue because they did not want anyone else to suffer like they had, but also they were pushed to parents were listed.

Monica is not alone in this situation. There are many other foster parents who will be faced with the same heartbreaking situation in the future if the legislation is not amended by this parliament. There are approximately 1,800 foster parents who will gain new rights as a result of a campaign fought and won by the state's 2014 Mother of the Year. I want to see that this house (a) supports the amendments prescribed in the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2015; (b) commits to increasing the rights of foster families in the involvement of funeral planning, as well as committing to acknowledge foster parents on the child's death certificate; and (c) affirms the rights of foster parents and legal guardians.

I again remind the government to follow through on its commitment to see changes made to the current rights of foster parents and guardians. The amendment bill seeks to insert new section 38A into the Births, Deaths and Marriages Registration Act 1996. Section 38A(1) proposes to allow foster parents and legal guardians to give notice to the registrar of a person who has died. Further to this amendment, there is a proposal that the definition of legal guardian also include relatives who care for a child.

Subsections (2) and (3) of proposed new section 38A give the opportunity for foster parents and legal guardians to give notice to the registrar as soon as reasonably practicable after the death of the deceased, in writing, in a form approved by the registrar and include the information required by the registrar. All documents are to be provided in a specified time and to verify, by statutory declaration, information provided for the purposes of the then notice.

If the registrar has received notice under section 38A, and the registrar thinks it is appropriate in the circumstances, the registrar may include the name of a foster parent or legal guardian of the deceased in the entry in the register relating to the death of the deceased. In my present bill, there is a requirement to consult with the chief executive of the relevant department.

Finally, the bill proposes to insert new section 47A into the Family and Community Services Act 1972, to give authority to the foster parents to be consulted about the child's funeral arrangements, unless the foster parent indicates that he or she does not wish to be consulted. As a matter of custom, foster parents have not been given rights equal to the rights of the child's parents to contribute to funeral arrangements because there will be circumstances where it may not be appropriate for the foster parents to be making such decisions—for example, where the child has been in the care of the foster parent for only a short time or the parents have maintained a close and caring relationship with the child.

I foreshadow another amendment to these clauses after meeting with minister Close only yesterday.

The SPEAKER: Member for Hammond.

Mr PEDERICK: Sorry, the member for Port Adelaide.

The SPEAKER: Will the member for Hammond be seated. The member for Hammond is reading from a screed, and we are comfortable with that, but could he pause and amend the screed and take out of the screed the names—Christian names and surnames—of every member of the house to whom he intends to refer. Member for Hammond.

Mr PEDERICK: Sorry, Mr Speaker. As I said, I foreshadow another amendment to these clauses after meeting with the minister, the member for Port Adelaide. I acknowledge the cooperation of the former minister, the current minister and their advisers and departmental advisers in getting this bill worded appropriately. I understand that the Coroner has also been contacted for his thoughts on the bill.

This bill is challenging, because it does break new ground, but I believe we as a parliament should do the right thing by foster parents and foster children. On 5 February, I, along with Monica Perrett, her family and friends, gathered to celebrate a memorial for Finn's first birthday and release some white balloons in his memory. It was a very moving occasion.

In my last few words, I urge this house to support the Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2015 to give foster parents and guardians the rights they deserve where applicable. I will not rest until we as a parliament pass Finn's law into legislation.

Debate adjourned on motion of Ms Digance.