

HOUSE OF ASSEMBLY
WEDNESDAY 02ND NOVEMBER 2016
ADOPTION (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 September 2016.)

Mr PEDERICK (Hammond) (19:53): I rise to speak to the Adoption (Review) Amendment Bill 2016. I want to make a few comments about adoption generally before I go to the heart of the bill. I note that between 1990 and 1991, 103 adoptions took place in South Australia. This figure includes all known international figures and local figures. In 2014-15, there were only 17 adoptions; however, the statistics indicate that 14 of these were intercountry adoptions.

Australia's total adoption numbers for 1990-91 were 1,142 and in 2014-15 this figure was 292. I know there is a big population difference, but if you compare us with adoptions in all states of America the number of adoptions for 2015 was 5,647.

In South Australia, as of 31 July the number of children under 18 years of age in out-of-home care was 3,249; children in foster care was 1,276; children in kinship care 1,451; residential care was 276; independent living was 34; commercial care was 212. The total number of children placed on orders for 2015-16 was 1,480, the total number of children placed on 12-month guardianship of the minister orders was 469, and 2,529 children were placed on an 18-year order.

Adopting a child in South Australia is a four-step process and may take up to two years from the initial expressions of interest. The steps are as follows:

step 1—you have to go through an initial screening and expression of interest;

step 2—you have to make the formal application and assessment;

step 3—allocation and placement; and

step 4—the time after the adoption order is made.

There is also quite a range of fees associated with adoption. If you want to lodge an expression of interest it is \$551; an application for registration as a prospective adoptive parent is \$725; a family assessment report is \$705; and placement of a child is \$352. This totals \$2,333. Many people who make applications do not become successful due to the lack of children.

The point I want to make here today is that there are obviously issues with child protection, but there are also issues of people in this state already—before we change the adoption legislation, as we are looking at doing here today—who are seeking to adopt children, but you can see that the numbers have greatly decreased over the years from what was happening over 25 years ago.

There have to be some reasons for that, but I happened to have a conversation in the hairdressers, of all places, when an ex-customer came in and was quite open about what they had done. They were talking to the hairdresser and included me in the conversation (I identified who I was). They said they were so keen to go through an adoption process

in this state but there was just no child available for them to adopt. They managed to find a lovely child from Thailand, but they were willing to do something here in this state.

When we look at the numbers and issues we have with children in state care, children in foster care, children in kinship care, children with other person guardians, I think there is a lot of work that we need to do as a state to get adoption right. Some of it gets back to what happens around child protection issues. I know there is a policy to keep children with their families and their parents. It is a noble policy, but so many times it falls over. I know there have been apologies made in regard to the forced removal of children from their parents, and I do not think that is the right way either. However, I think there has to be some middle ground where we see children growing up in an environment that is very damaging to their upbringing. I think they get left too long, quite frankly, with the natural parents and they are damaged for life.

I state that I am not a child expert, but picking the time when perhaps it may be better for that child to be placed into a loving home, when I am sure there are thousands of people willing to give that child a loving home, must be a very delicate matter—a very, very delicate matter—if the department and minister were to go down that path. I know for a fact, from people who work in the education department as school services officers, that their job is to just supervise one of these poor damaged children. It is their full-time job to look after them.

When something goes pear shaped—for example, when the child assaults other children or assaults the school services officer—there is a real problem and a squad of department people go out and see what is going on. I am not saying that it is not difficult, but we need to find a way to get some equity in the system so that these children have the opportunity to grow up around some love and care. Yes, it will be difficult perhaps to find that, and it might take some courage, but I think we need to find a way. I am a bit stunned at the lack of children who have been available for adoption because there are obviously a lot of people who would like to adopt children in this state.

In regard to the Hallahan review into adoption, some of the key recommendations talk about children's rights. The recommendation was that the act should incorporate a wider statement of principles and objectives about adoption being about the best interests of children, to emphasise children's rights. Absolutely, every day of the week, I agree with that.

Then we have same-sex couples. The recommendation is that the Adoption Act should change so that same-sex couples can apply to adopt a child. I think this is clause 12, which is a conscience vote on our side of the house, and I will not be supporting this. I do not support same-sex marriage and I do not support same-sex adoption. I know some good people who have children who are in same-sex arrangements but, in the broader principle, I think we have a lot more work to do in the field of a man and woman adopting a child before perhaps we head down this path.

Obviously, when we are very much in single digits in a year (I think it was three), we have a lot of work to do in getting more children into adoption. In regard to the recommendation around single people applying to adopt a child, I note that the recommendation states:

Single people can already apply to adopt a child, but the report recommends that the rules about single people being placed with a child only in special circumstances should be removed.

I do not support this either, as a conscience matter. I represent a conservative electorate and I think that we have a long way to go as far as a man and woman as partners and that we should be making a better regime around them having the ability

to adopt, rather than venturing further. The recommendation on adoption information vetoes states:

Adoption information vetoes prevent the release of identifying information to another party to the adoption. The report recommends that adoption information vetoes be abolished and phased out over 5 years and that contact vetoes are not introduced.

I must say that I have had correspondence either way with regard to this, and I am interested in more of the debate around vetoes. It is obviously a very personal issue and I certainly respect the comments from the member for Fisher on vetoes, having been personally involved. I think unless you are personally involved, you probably do not really know the full extent, especially if you do not even know that you have been adopted.

In regard to the recommendation to the adoption of adults, the Adoption Act does not currently provide for adult adoptions. The review report recommends that adoption of adults should be allowed. This would mean that adults may be adopted by people who brought them up for most of their childhood, such as foster parents and step-parents. In regard to a recommendation around keeping a child's original first name, the report recommends that when a child is adopted, the court that makes the adoption order should ensure that the child's original first name is kept except in exceptional circumstances.

In regard to birth certificates, the report recommends that an adopted child's birth certificate should provide the truest possible account of the biological parentage of the child. If this recommendation is acted upon, it would mean that in most cases, an adopted child's birth registration details will include both their parents and their adoptive parents. Any certificates issued would ensure that it is clear that the adoptive parents are the legal parents of the child. In regard to the recommendation around the discharge of adoption orders, the report recommends that a law is introduced to enable a court to discharge or undo an adoption order in certain circumstances, such as where the adopted person has been abused in their adoptive family.

In regard to the legislation, this comes about after Associate Professor Lorna Hallahan provided the review a report in November 2015. The Nyland royal commission also considered the future use of adoption by means of child protection, and the Nyland report came down in August 2016. The government have indicated that they have incorporated all recommendations from the Hallahan review except one. Recommendation 7, which was not included, deals with parental consent in respect of children in care and thus is likely to be considered in response to the Nyland royal commission and rewrite of the Children's Protection Act 1993.

I think we have a long way to go in regard to adoption and there is a whole range of issues that need to be debated. In regard to the replacement of the definition of 'marriage relationship' with 'qualifying relationship' throughout the bill, according to the minister's speech when this was introduced:

Qualifying relationship means 'the relationship between 2 persons who are living together in a marriage or marriage-like relationship (irrespective of their sex or gender identity)'. This supports the adoption of children by same-sex couples, which will be subject to a conscience vote by Government members.

I will certainly not be supporting that. I spoke earlier today about the Relationships Register Bill. I think everyone needs to have a serious look at this legislation. As I indicated earlier, we need to do a lot of work in relation to adoption. We need to cut red tape and we need to make it far more accessible. We need to assist foster parents.

I take my hat off to foster parents. You have to be courageous in a range of ways to be a foster parent. I have spoken in this place before about constituents who have come to me who have had infringements of the law placed against them by foster children years later. It is a very distressing situation for foster parents, when they have done their best for so many years, bringing up many children for decades, to be picked up from their property like common criminals and placed under arrest, having to wait for two years for a court case. Whether you are innocent or guilty, it is far too long to have that hanging over your head when you have been doing your best for the state and the community.

It is a scary scenario that I have seen several times too many. It is a scary situation for people to be in, especially if they feel that they should not be in that position. We have certainly had some wins in here in the past. With Finn's Law, I worked for 19 months to try to get better arrangements around the rights of foster parents, to get their name on the death certificate of a child in their care and also to get some rights around the burial of a child. I reflect on the time it took to do that piece of legislation and put it through this place, and I appreciate everyone who negotiated with me, especially several ministers and the senior ministerial staff I work with. I really appreciate it.

However, I see other bills that we have been debating recently in which, if they go through—and it seems they will go through much more quickly—there will be changes to the Births, Deaths and Marriages Registration Act. It makes me wonder. Early on in the debate and negotiations in relation to Finn's Law, a lot of barriers were put up: 'No, we can't do this and we can't do that,' but obviously things can be done. I salute everyone who assisted me, and certainly the current Minister for Education and the Attorney-General were a great help in that regard.

I think there is a lot that we can do when it comes to foster children, whether it is other person guardians taking that next step or the like, but I think we certainly need to take a much bigger step when it comes to adoption so that we can help many more children. There is obviously a need for that in society. We need to make some courageous decisions at times. We need to do the best we can for our children because they are the future of this state, our community and our country and I believe we owe it to them.