



Industrial Relations Amendment (Adoption Leave) Bill.

Second Reading

The Hon. JOHN HATZISTERGOS (Minister for Justice, and Minister Assisting the Premier on Citizenship) [9.18 p.m.]:
I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

Adoption leave is a form of parental leave that is taken in connection with the adoption of a child by either the adoptive father or adoptive mother in order to be the primary caregiver of the child. Under the Industrial Relations Act 1996 adoption leave is currently restricted to the adoption of a child under the age of five years. The Industrial Relations Amendment (Adoption Leave) Bill will amend the Industrial Relations Act 1996 to extend adoption leave entitlements to working parents to adopt a child who is up to 18 years of age. Since the introduction of the Act in 1996 the Government has sought to identify any anomalies that may exist in its application. Where anomalies have been found the Government has improved the Act, when and where appropriate. As the Act stands, only parents who adopt a child under the age of five years are entitled to adoption leave. This is a relatively minor amendment, yet without it parents who adopt children over the age of five years are left with no choice but to give up their jobs.

The purpose of this amending bill is to remove the age of five years as the limit to eligibility for unpaid adoption leave. The rationale for setting that age limit harks back to a time when most adoptions were of babies born in Australia, and most were under the age of two years. It made sense to put a school-age limit to adoption leave. However, current statistics on adoption tell a very different story. Most children now adopted in New South Wales come from other countries. Inter-country adoption is a comparatively recent development in Australia. Australian families began adopting children from overseas in measurable numbers in about 1975. Since then the number of overseas adoptions has grown and the number of locally born children needing adoptive placement has fallen dramatically.

The Department of Community Services requires prospective adopting parents to undertake that one parent will be a full-time primary caregiver for a minimum of six months. The overseas adoptions facilitated by the department include children of all ages. The expectation that adoptive parents will commit to be at home caring for their adopted child for an adjustment period of 6 to 12 months extends to all children, regardless of age. These overseas-born children could be 10, 12 or 15, but will still be in need of an adjustment period to allow for a transition from their previous circumstances to their new family. Though of school age, a child might not attend school for some time while adjusting to the new family and environment. There will almost certainly be, at the very least, a new language to learn.

The parental leave provisions of the Industrial Relations Act provide the right of return to one's own job after a period of parental leave. Without this amendment, adopting parents of overseas children have little choice but to resign from the workforce, since they have no entitlement to their job after caring for their adopted child during that all-important settling in period. It is worth being clear about the numbers to which I am referring. During the financial year 2001-02, 71 overseas-born children were adopted by parents in New South Wales. Among those adoptions, only eight children were over 5 years old, and none was over 10 years old. While the numbers affected by this amendment are few, the positive benefits are significant. Working parents who make the commitment to adopt a child from overseas will not have to consider the loss of a job to do so. They can provide their new child with the same settling and bonding period that birth parents can provide under the Act, with the security of knowing their job is protected while they are on parental leave. Therefore, the financial and opportunity costs that have to be factored into the decision to adopt or not can be diminished. That is one less source of concern for adopting parents to consider.

While the positive benefits for employees in this amendment are significant, there are no negative consequences for small businesses should they be affected. Small businesses will not have to deal with a premature exit from the workplace by an adopting parent, nor with the recruitment and retraining costs that accompany such exits. The small business owner can optimise the investment made in the employee with the right of return after parental leave. This proposed amendment is another step on the Government's path towards enabling the working population of New South Wales to be better able to balance work and family commitments. The aim of this legislative change and the Government's whole approach to work and family is to promote an industrial environment in New South Wales in which employers, employees and their families can maximise the benefits of continued workplace participation without compromising family life. I commend the bill to the House.

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