



38 Derwent Street
Island Bay
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Aotearoa New Zealand

Annual General Meeting 12 May 2014

Convenor's Report

It is now three and a half years since incorporation in September 2010. We welcomed new committee members Emma Smith, Tim McGuigan and Kelsey Farmer at last year's AGM.

PART 1A CLAIM

In July 2011 we filed proceedings with the Human Rights Tribunal. Adoption Action claims that the government is in breach of the anti-discrimination provisions in the Human Rights Act 1993 and the New Zealand Bill of Rights Act 1990, in that it has allowed to remain on the statute books adoption laws which treat some classes of person unfairly, on the grounds of their:

- marital status (3 points of claim)
- sex (2 points of claim)
- sexual orientation (2 points of claim)
- race or ethnic origin (1 point of claim)
- age (2 points of claim).

The claim was heard by the Human Rights Tribunal in Wellington, commencing on 18 November 2013. The hearing ran over eight days, but because of the unavailability of some Tribunal members, it then had to be adjourned until 13 January 2014, when it ran for another two days. Robert presented the case on behalf of Adoption Action. We are forever indebted to Robert for the enormous amount of voluntary work he did in preparing for the hearing as well as for presenting all points of our claim to the Tribunal at the hearing.

To reiterate Robert's comments in Adoption News and Views, The Human Rights Commission supported our claim (other than on the race ground, where the point of claim concerned indirect discrimination). We are very grateful to Frances Joychild QC, one of New Zealand's top human rights lawyers, who made detailed submissions on our behalf, and must have spent many hours absorbing and analysing the mountains of documents disclosed by the Crown on discovery, and the huge number of cases referred to by the Crown. The Children's Commissioner filed a report supporting our points of claim in relation to age discrimination.

The Tribunal has not yet given its decision, indicating the complexity of the issues involved. Adoption Action made it clear throughout that its aim in bringing the claim was to put pressure on government to give priority to adoption law reform. This needs to involve updating both the Adoption Act 1955 and the Adult Adoption Information Act 1985, in order to bring them into line with current social attitudes and values, and to remove or amend provisions that are inconsistent with the human rights principles established in its own legislation and/or in the international human rights conventions to which New Zealand is a party.

Researching and presenting the Part 1A claim involved a great deal of dedication and hard work by members of the Adoption Action Committee and many others, who freely gave of their time and expertise. Particular thanks must go to Sylvia Bell of the Human Rights Commission and Frances Joychild QC, counsel for the Commission, without whose expert assistance we would have been struggling. Russell Wills, the Commissioner for Children, and John Hancock of his office, also made a large contribution to the claim in filing a comprehensive report to the Tribunal.

A great vote of thanks must also go to Victoria University law students, including Emma Smith, Tim McGuigan, and Walter Hillyer-Brandt, who researched and drafted submissions in respect of four of the heads of claim, through the Wellington Community Justice Project. Professor Mark Henaghan and Dr Abby Susz of Otago University researched and drafted the claim on two grounds. Dr Claudia Geiringer and Professor Bill Atkin of Victoria University also offered very helpful advice, as did retired Family Court Judge Paul von Dadelszen. Finally, our committee members Mary Iwanek, Charlotte von Dadelszen, Dr Anne Else and Susan Atkin all attended the hearings and assisted in many other ways, and Louise Brazier also provided valuable assistance.

All of these people contributed their time and specialist skills without remuneration, because they share our view that adoption law is urgently in need of reform. The only cost to Adoption Action was the cost of paper, photocopying, stationery and parking charges for the hearing.

ADOPTION FIRST STEPS

Adoption Action will make an OIA request to gather more information about the manner in which the decision was made to grant their application for accreditation and Adoption First Steps' performance at the annual review required by Regulation.

GENERAL

We are very grateful to Charlotte von Dadelszen of Buddle Findlay for allowing us to use the office facilities during this past year to hold meetings.

It is a privilege being connected to all the people named above who have given so freely of their time to Adoption Action in our push for this much needed legislative reform. In my roles as contact person for Adoption New Zealand, Adoption Support for Adopted People and Adoption Action, I receive correspondence and phone calls from people affected by this legislation. It is hugely important that legislative change is made for the people for whom the current legislation impacts on many aspects of their lives, often on many occasions over the course of their entire lives. Adoption law reform towards openness, honesty and integrity - for all people yet to be affected by adoption

legislation - including parents and their children, siblings, grandparents, grandchildren, aunts, uncles, nieces, nephews and cousins – is vital and urgent.

Fiona Donoghue

12 May 2014