



Human Services

Community Services

PP 11/131049

Committee Secretary
Senate Community Affairs References Committee
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

I refer to the inquiry of the Senate Community Affairs Reference Committee into the Commonwealth contribution to former forced adoption policies and practices.

I am pleased to provide for the Committee's consideration the submission of the NSW Department of Human Services, Community Services. Community Services is the agency in New South Wales responsible for the administration of the *Adoption Act 2000*. As well as being a direct provider of adoption services, Community Services funds the provision of adoption services by non-government service providers, including post adoption support services.

Background

A thorough inquiry into past adoption practices was conducted by the NSW Legislative Council Standing Committee on Social Issues from 1998 to 2000. The final report of the Committee, *Releasing the Past: Adoption Practices 1950-1998*, was tabled in the NSW Parliament in December 2000. A copy of the report can be accessed on the website of the Parliament of New South Wales www.parliament.nsw.gov.au.

Releasing the Past documented the number of registered adoptions in NSW between 1924 to 1999. Registered adoptions during this period rose from 282 in 1925 to over 1000 from 1940 onwards. Numbers rose further throughout the 1940's, 1950's and 1960's with between 1000 and up to 2,500 adoptions in successive years. In NSW, adoptions peaked in 1972 with 4,564 adoptions in that year. There was a dramatic trend downwards throughout the 1970's which has continued to the current time.

The NSW Government's response to the report of the inquiry acknowledged the pain, suffering and distress that a group of women experienced with past adoption practice.

Adoption practices have changed radically since the early 1970s. The new directions in contemporary adoption practice are reflected in the NSW *Adoption Act 2000* (the Act). It provides that the paramount consideration in all adoption practice and decision making is the best interests of the child and recognises the importance of counselling for parents and children prior to any adoption consent, including the consideration of alternatives to adoption. It affirms the importance to the child of access to his or her family of origin and cultural heritage, and provides for adoption plans that may include continuing contact between the child and their birth parents.

The Act was reviewed in 2007 to ensure that it continues to reflect contemporary adoption practice. As a result, further amendments were made to provide for access, from the time of the adoption, to information such as birth certificates and adoption orders for adopted children, adoptive parents, birth parents and siblings in respect of adoptions that occur on or after 1 January 2010.

The Act has also been amended to allow the Supreme Court to dispense with parental consent in circumstances where a child in long term care has an established relationship with their carers and the adoption of the child by the carers would promote the child's welfare. This recognises that, in some circumstances, the best way to achieve long term security and stability for a child is through adoption.

Research evidence demonstrates the importance of placement stability in achieving positive futures for children or young people in out-of-home care. Those who experience stability and permanency are more likely to develop strong and lasting emotional attachments, be socially engaged, and experience higher levels of educational achievement.

As part of its response to *Releasing the Past*, the NSW Government provided additional funding to the Post Adoption Resource Centre to develop, in consultation with Community Services and the Centre for Mental Health, the resource *Adoption in NSW – an information and resource kit for counsellors and practitioners in regional NSW* (the *Post Adoption Resource Kit*), 2004. One-off funding was also provided to support additional counselling/support to people affected by adoption in rural and regional areas, additional online support services, the strengthening of networks and supports for professionals, and the establishment of regional support groups.

The Post Adoption Resource Centre continues to receive NSW Government funding to provide services for people affected by adoption. Department of Human Services, Community Services funds the Centre to provide information, counselling and support services to adoptees, birth parents, adoptive parents and others affected by adoption.

The Salvation Army has provided a family search service in NSW since the 1920s and has specialist expertise in assisting people with family tracing both nationally and internationally. Community Services funds the Salvation Army's Special Search Service to assist people over the age of 18 years who were separated from their child or birth family through a NSW government process including adoption.

Other improvements to adoption practice as a result of the NSW inquiry into past adoption practices included continued funding for Link-up to assist Aboriginal people with search and reunion. Funding was provided to the NSW Committee on Adoption and Permanent Care for the development and publication of the book *Releasing the past: Mothers' stories of their stolen babies*.

In 2004 an accreditation framework was established to set a benchmark for the quality of adoption services to be provided in NSW. This framework is underpinned by *NSW Adoption Standards* which are applied by the accrediting authority, the NSW Children's Guardian.

Response to Terms of Reference

1. The role, if any, of the Commonwealth Government, its policies and practices in contributing to past adoption practices.

Releasing the Past made a valuable contribution to documenting and understanding how adoption practices evolved in NSW. The report acknowledged that to a large degree adoption practices reflected the values and attitudes prevalent in the 1950s and 1960s.

The report examined the extent and nature of non-adoption alternatives for women at the time. It noted the consensus view among former adoption workers that inadequate levels of income support before the introduction of the Supporting Mother's Benefit in 1973 meant that a woman without the support of her family or the father of her child would have had little option but to relinquish her baby (paragraph 3.48).

The Committee went on to examine whether the level of income support available during this period was sufficient to support a mother and child by reference to relevant indicators in the late 1960s. The Committee found that without family or other support a mother would have had to live with her child on an income below the poverty line and probably less than half the average wage of women at the time (paragraph 3.65).

The Committee concluded that it would have been extremely difficult for a single mother to support herself and her child before the introduction of the Supporting Mother's Benefit in 1973 (paragraph 3.66). This view is supported by the Australian Institute of Family Studies in its report *Impact of Past Adoption Practices: Summary of key issues from Australian Research (March 2010)*.

Releasing the Past also documents how Commonwealth policies and programs, or the lack of these, contributed to the numbers of unwanted pregnancies leading to adoption up to the 1970s. For example, although the contraceptive pill was available from 1961, it was not until 1972 when the Australian Government removed sales tax and included the contraceptive pill on the pharmaceutical benefits list that it became more widely available (paragraph 4.28).

Women were also denied universal access to services to better control their fertility until the introduction of Medibank in 1975, which covered all family planning services provided by doctors, including abortion. A system of health program grants from the Commonwealth government at this time also meant that Family Planning Association clinics no longer had to charge for their services (paragraph 4.28).

2. The potential role of the Commonwealth in developing a national framework to assist States and Territories to address the consequences for the mothers, their families and children who were subjected to forced adoption policies.

In April 2010, the Department of Families, Housing, Community Services and Indigenous Affairs released a research literature review by the Australian Institute of Family Studies on the impact of past adoption practices in Australia. The review found that the two things most needed by those dealing with the lasting impacts of past adoption practices are:

- counselling and support, and
- increased information.

The need for these services was also identified in *Releasing the Past* and the NSW Government response included increased funding in these areas.

In June 2010, Community and Disability Services Ministers agreed to a joint national research study into past adoption practices to be conducted by the Australian Institute of Family Research. The focus of the study will be on understanding current needs and information to support an improved service response for individuals affected by past adoption practices. A report is to be delivered to Ministers by the end of 2011.

In view of its role in contributing to the adoption practices of the past, it is expected that the Australian Government will be a key player in facilitating and funding any service enhancements. Currently, the service system is entirely supported by State and Territory Governments and non-government agencies involved in past adoptions

I trust this submission will assist the Committee in its deliberations.

Yours sincerely
(...)

29.3.11

Annette Gallard
Chief Executive