



3 March 2014

Committee Secretary
Joint Standing Committee on Electoral Matters
P O Box 6021
Parliament House
CANBERRA ACT 2600

Submission 119
Date Received: 11 March 2014

SC

Dear Sir/Madam

Please find attached a copy of the Submission by VANISH Inc to the Joint Standing Committee on Electoral Matters – February 2014 in relation to the Inquiry into and report on all aspects of the conduct of the 2013 Federal Election and matters related thereto.

On behalf of VANISH Inc (The Victorian Adoption Network for Information, Support and Self Help, VANISH members (620) and many thousand VANISH service users we would like the Australian Electoral Commission to review its decision re public access to the current Australian electoral roll. Since 1989 VANISH has been funded for 25 years by the Victorian State Government through the Department of Human Services to provide a free search and support service to people affected by adoption and/or 'out-of-home care' such as institutionalisation, fostering or state wardship. All VANISH work is undertaken within interpretation of the Victoria Adoption Act (1984) plus Amendments in 2013 to that Act, Freedom of Information Act (1982) and Information Privacy Act (2001).

VANISH Inc requests that access to the Australian electoral roll be reinstated so that organisations like ours can continue to carry out the work for which they are funded.

Yours sincerely

Coleen Clare
Manager

Encl:
Submission by VANISH Inc to the Joint Standing committee on Electoral Matters – February 2014 in relation to the Inquiry into and report on all aspects of the conduct of the 2013 Federal Election and matters related thereto.

**Submission by VANISH Inc. to the Joint Standing Committee on Electoral Matters -
February 2014**

**Inquiry into and report on all aspects of the conduct of the 2013 Federal Election
and matters related thereto**

Submission

We thank you for the opportunity to submit to the above Inquiry allowing us to respond to the change of practice relating to 'public access to the electoral roll', ie the recent enforcement of Section 90A Commonwealth Electoral Act 1918.

VANISH Inc

On behalf of VANISH Inc. (The Victorian Adoption Network for Information, Support and Self Help), VANISH members and VANISH service users, we wish to argue strongly that the work of our organisation is definitely **NOT irrelevant**¹. Since 1989 VANISH Inc. has been funded by the Victorian State Government through the Department of Human Services to provide a free search and support service to people affected by adoption and/or 'out-of-home care' such as institutionalisation, fostering or state ward ship.

VANISH work is undertaken within interpretation of the Victoria Adoption Act (1984) plus Amendments in 2013 to that Act, Freedom of Information Act (1982) and Information Privacy Act (2001). VANISH

- understands the responsibility of maintaining privacy when assisting with family tracing and connection with birth relatives and operates within strict privacy and confidentiality guidelines.
- acknowledges and respects the importance of knowing one's identity and origins; this cannot be underestimated in the case where an individual has been separated from birth relatives by adoption and/or ward ship.
- argues that without the ability to confirm the current address of a birth relative sought via the current Australian electoral Roll, an individual may resort to illegal and/or inappropriate means to contact a birth relative, and in the process may breach the privacy of another or cause unnecessary distress to unrelated people.

¹ Letter of 19th December 2013 from Daryl Wight to VANISH Inc.

Past government policies and social practices

There has been bipartisan support for the Senate Community Affairs Reference Committee Reports which have highlighted and acknowledged the lifelong impact on some individuals of society's 'harmful and shameful' policies and practices of separating children from parents and/or siblings. These policies and practices of the past, along with many personal experiences, are documented in several separate Reports.²:

Each of the above reports recommended formal Apologies be issued by Commonwealth and State/Territory governments and in most cases this has been done.

The National Apology to Forgotten Australians and Former Child Migrants was delivered by the then Prime Minister Kevin Rudd on 16th November 2009:

*"Many Forgotten Australians and child migrants continue to need help in **tracing their families**. That is why we'll be providing a National Find and Connect Service that will provide Australia-wide coordinated family tracing and support services for care leavers to locate personal and family history files and **to reunite with members of their families**, where that is possible".*

The National Apology for Forced Adoptions was delivered in parliament by the then Prime Minister, Julia Gillard on 21st March 2013:

*"..... to redress the shameful mistakes of the past, we are committed to ensuring that all those affected get the help they need, including free access to specialist counselling services and support, the ability to find the truth in freely available records **and assistance in reconnecting with lost family.**"*

These Apologies acknowledged that for those separated from birth relatives by adoption and/or 'out-of-home care', tracing family and connecting with family members is a necessary aspect of healing and helps to address social practices and government policies of the past which had detrimental impacts on the lives of so many Australians.

Victorian Electoral Commission

VANISH does acknowledge that here in Victoria, our organisation and members of the public do have free access to the current Victorian electoral Roll. At each visit to the Victorian Electoral Commission, the person states in writing his/her name, name of the organisation if applicable and the purpose for seeking access to the electoral Roll. It is suggested this practice could be adopted at all Australian Electoral Commission (AEC) offices and in effect may act as a deterrent to those doing "**irrelevant**" work. While access to the Victorian electoral Roll is helpful if the person sought currently resides in Victoria, it does not address the lack of access to the electoral rolls of other States/Territories. An analysis of VANISH search data, reveals approximately 65% of people found, live outside Victoria, in most cases in another Australian State or Territory.

²

Bringing them home: The Stolen Children Report 1997.
Lost Innocents; Righting the Record: Report on Child Migration, 2001.
Forgotten Australians: A report on Australians who experienced institutional or out-of home care, 2004.
Lost Innocents and Forgotten Australians Revisited 2009.
Senate Committee Report – "Forced Adoption Practices and Policies" February 2012.
Australian Institute of Family Studies – Past adoption experience, August 2012.

Public access to the Australian electoral Roll

Until early 2013, members of the public were allowed to access the current Australia wide electoral roll at any AEC office according to the Commonwealth Electoral Act 1918 Section 90A. However, since then VANISH, similar post-adoption organisations and members of the public have been denied access to the current Australian electoral Roll unless for the “*purpose of checking your own enrolment details or making an objection to the enrolment of another elector*”.

In his letter of 4th October 2013, Paul Pirani states “*The AEC is not the only possible source of information about the location of Australian citizens*”. However, it is not possible to gain access to the current electoral Rolls of all States/Territories eg even citizens of New South Wales do not have access to their state electoral Roll. His argument is only relevant when the searcher lives in the state where they believe the person they are trying to locate also lives.

The current stance by the AEC in denying members of the public and authorised post-adoption and post-care organisations such as VANISH access to the current Australian electoral Roll, ignores the importance of connecting with family members and thus undermines the ability of such organisation to offer the possibility of connecting with birth relatives.; both points were strongly acknowledged in the National Apologies (see above)

Recommendations

VANISH Inc

- recommends that the AEC reviews its decision in light of the recommendations of the recent Senate Committee Reports and the sentiments expressed in the recent National and State/Territory Apologies.
- requests, at a minimum and as an interim measure, access to the Australian electoral Roll on behalf of its service users for the purpose of finding (and connecting) with birth relatives. ie an exemption is sought from the current practice..
- recommends the AEC reintroduces the practice of making past Australian electoral Rolls available in all State capital city libraries..
- suggests the practice of the Victorian Electoral Commission (see above) be adopted at all AEC offices and in effect it may act as a deterrent to those doing “**irrelevant**” work.

Conclusion

VANISH believes very strongly that this decision of the AEC is a very retrograde step. It is not in the spirit of equity and openness of the above-named Senate Committee Reports and the National and State/Territory Apologies which recognise the importance of tracing and connecting with family members. Nor does it support the various Australian State and Territory Adoption Acts which give, mothers, fathers, sons, daughters and other family members who have been separated by ‘child removal practices’ of the past’ the right to identifying information about birth relatives. And finally, on completion of a search, the final step taken by VANISH is to confirm the current whereabouts of the person sought; the only way this can be done is through accessing (for all States and Territories other than Victoria) the current Australian electoral Roll.