

Tue 9/08/2005

I would like the following issue raised in your inquiry into adoption.

I recently traveled to China to assist a dear friend to adopt a beautiful baby. My friend went through all the appropriate adoption processes within Australia and had her adoption approved by the Victorian Government through its delegated agency the Department of Human Services.

The fact of the matter is that when she was adopted in China – she was not given a birth certificate but it is actually a “Certificate of Abandonment” that says, only: “This is to certify that XXXXXXXXXXXXXXXX, female, was born on December 5,2001; XXXXX’s birth place and biological parents are unidentified.”

Then she received a certificate that says she is now adopted and what her new name is.

It is not good enough that this child cannot get a Victorian birth certificate when other children can – including other adopted children.

My colleague received advice from the Victorian Office of Births, Deaths and Marriages, “you received a birth (or Notarial) certificate for your child from China and you are not able to obtain a new birth certificate in Australia. If you wish to change your child's name from that on the birth certificate, you should apply to the Change of Name Department at the Registry of Births, Deaths and Marriages. Please note that there is a fee for this service.”

I understand, the discrimination and issue with adoption exists due to a standing convention that says if the country from which they were adopted is a signatory to the Hague Convention, the adoption is generally ratified in this country 12 months after they arrive (or thereabouts) and they ARE given a Victorian birth certificate. China is one of the few countries where the adoption is final in the country of origin and therefore simply recognised by the Australian/Victorian Governments.

Only this week – as means of assessment in enrolling in a Victorian pre-school, my friend was asked to supply a birth certificate for such consideration by the Committee – determining who were the lucky ones to be accepted. A certificate of Abandonment – is a discriminatory tool that can be used as a form of discrimination – to vet or weed out based on prejudicial viewpoints – one of which may be an abandoned child. While that might sound odd – there are many discriminatory practices that exist and the fact that this child will need to go through life – constantly being asked for a birth certificate – even when she gets her car licence, opens a bank account etc – is simply not good enough.

If this child can be given an Australian passport – why is it that Victoria discriminates against this child getting a birth certificate.

Apart from the legal issues of discrimination relative to this case - the social, moral and psychological trauma associated with such discrimination is left with my friends child – not just for an instance but for a lifetime – being constantly reminded of her situation but reinforced that she is not treated the same as other people in this country: truly, the core of the discrimination.

I now seek your endorsement to review and change this discriminatory practice. I made a submission to the recent parliamentary inquiry into discrimination, but they say it is outside their ambit – as the child will be treated the same as other adopted children in the same situation (which I find legally correct but morally reprehensible..

I seek you advice on where to here re law reform and adoption.

Denis Moriarty

