

FORCED ADOPTION IMPLEMENTATION WORKING GROUP

Chair: Professor the Honourable Nahum Mushin

Senator the Hon Ian Macdonald,
Chair, Senate Legal and Constitutional Affairs
Legislation Committee,
Parliament House,
Canberra. ACT. 2600.

17 July, 2014.

Dear Senator Macdonald,

**Re: Senate Inquiry into the *Australian Citizenship Amendment*
(*Intercountry Adoption*) Bill 2014**

I write in my capacity as Chair of the Commonwealth Government's Forced Adoptions Implementation Working Group. The Working Group is grateful for the invitation on behalf of the Committee to provide a submission addressing issues relevant to the above Bill.

You will be aware from the excellent Senate Report on forced adoptions tabled in February, 2012 and the subsequent bipartisan apology to affected people offered by former Prime Minister Gillard in March, 2013 that forced adoptions have been a dark part of Australia's history for many decades. There are many mothers, adoptees and fathers, together with extended families, who have suffered, and will continue to suffer trauma, grief and loss for the rest of their lives.

The relevance of the previous paragraph to this Bill, which is acknowledged to be in narrow ambit, is that even such a seemingly straightforward issue has a re-traumatising effect on affected people. I have experienced that consequence in consulting on the drafting of this submission. The reactions are so significant that it is important to draw attention to the issue at every opportunity.

It is also essential to record that the Working Group, together with the whole of the forced adoptions sector, have grave misgivings about the continuation of inter-country adoptions *per se*. They assert that inter-country adoption should be seen as a last resort after all other measures to assist children have been exhausted. The forced adoptions era in Australia saw the development of a "baby industry" which privileged the needs of middle-class childless couples over the wishes or rights of single women and their babies. Inter-country adoptions do the same.

Further, there are considerable reservations with inter-country adoptions being conducted through bilateral arrangements rather than being restricted to the Hague Convention. Such arrangements are regarded as not being in the best interests of the child which must be the only test in determining any outcome involving a child.

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The Working Group hopes that this submission assists the Committee in its deliberations. I would be pleased to provide any further information or view as may be sought.

Finally, in a strict sense the subject matter of the Bill is outside the terms of reference of the Working Group. Notwithstanding that, the Working Group regards one of its main obligations to be the recording of the ongoing consequences of forced adoptions.

Yours sincerely,

Nahum Mushin.