

FORCED ADOPTION IMPLEMENTATION WORKING GROUP

Chair: Professor the Honourable Nahum Mushin

The Honourable Tony Smith MP,
Chair,
Joint Standing Committee on Electoral Matters,
Parliament House,
Canberra. ACT. 2600.

7 March, 2014.

Dear Mr Smith,

Re: Joint Standing Committee on Electoral Matters

I write in my capacity as Chair of the Government's Forced Adoption Implementation Working Group. Thank you for the opportunity to make a submission to your Committee on behalf of the Working Group.

You will be aware that in February, 2012 the Senate Community References Committee on Past Forced Adoptions tabled its Report following an 18 month inquiry. The Senate Committee made 20 recommendations, primary amongst them being a National Apology to people affected by forced adoption. That apology took place in the Great Hall of Parliament House on 21 March, 2013 and was later formally affirmed by motion of both Houses of the Parliament.

On the same day the then Government tabled its formal response to the Senate Report which committed to a number of concrete measures. As a result of the Response, the Working Group was set up to advise the Government in implementation of those concrete measures. Eight of the 12 members of the Working Group have been directly affected by forced adoption. They are four mothers, three adoptees and one father. In addition, we have the benefit of Senators Boyce, Moore and Siewert, all of whom were integral to the Senate Committee's work and its outstanding report.

Most of the members of the Working Group were members of the former Forced Adoptions Apology Reference Group which drafted the apology referred to above. All of our members have extensive experience in working to improve the circumstances of people affected by forced adoptions over many decades, nearly all of it in a voluntary capacity.

The Senate report and the bipartisan motion of apology included an undertaking that the mistakes of the past were not to be repeated. One of those mistakes was the secrecy that surrounded adoption and the inability of parents and their adopted children, who are now adults, to discover their origins or to find each other. The apology proclaimed:

To redress the shameful mistakes of the past, we are committed to ensuring that all those affected get the help they need, including access to specialist counselling services and support, the ability to find the

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truth in freely available records and assistance in reconnecting with lost family.

One of the most frequently made requests by people who have been affected by forced adoption is to be able to search public records. One of the concrete measures included in the Government's Response was a commitment to harmonisation of records of births, deaths and marriages to enable searching to be easier and less costly. Consonant with that has previously been the availability of the Commonwealth electoral rolls for the same purpose.

The policy of open access to the electoral rolls is enshrined in s90A of the *Commonwealth Electoral Act 1918*. However, s90B places limitations on the classes of persons who may be given information and the nature of such information. The direct consequence of the operation of those provisions has been, and continues to be, the exclusion of searching of the rolls for the purpose of seeking contact details of people affected by forced adoption.

The limitation referred to in the last paragraph, which has occurred quite recently, has had a significant impact on a number of post adoption service organisations and private individuals who have previously made use of electoral rolls as one of the key mechanisms for searching for families lost through adoption. Reunions are a fundamental aspect of the healing process for large numbers of people affected by forced adoption and the sense of loss and grief which has resulted from that has been most significant.

It is submitted that access to the electoral rolls for the purpose of find and connect services for people affected by forced adoption be restored on the following bases:

- Full restoration of access to the electoral rolls by individuals and an educative process be implemented to promote the option of registering as a "silent elector" pursuant to s104 of the Act to accommodate safety concerns to protect the identity and location of people where the threat of violence and like matters are issues. That would ensure that individuals separated from family by adoption would not be further disempowered through denial of access to the electoral rolls.
- Because some people feel more comfortable with organisations conducting searches on their behalf, a right of access to the rolls be provided to nominated bodies such as the federally funded post adoption support agencies in each state or territory. By way of example, the Victorian adoption support service, *Family Information Networks and Discovery (FIND)* in the Department of Human Services has, through a Memorandum of Understanding, been granted access to the Victorian Electoral Commission non-public roll. There does not appear to be any reason for that not being extended to other jurisdictions to include interstate access.

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- Memoranda of Understanding be put in place between similar services, eg *Adoption Jigsaw* in WA, *The Benevolent Society* in NSW and Queensland and the relevant State and Territory electoral commissions. These memoranda would establish the protocols and procedures that would guide access to the records for identifying original families where people are directly impacted by adoption.

Finally, we draw your attention to the work currently being undertaken to improve records access for Forgotten Australians and Former Child Migrants, cohorts who each received their own National Apology.

The Department of Social Services (DSS) recently presented options to improve records access for Forgotten Australians and Former Child Migrants to The Standing Council on Community and Disability Services Advisory Committee. The Committee, which includes government representatives from all jurisdictions, endorsed the DSS proposal to develop national common access principles and best practice guidelines to improve access to records across Australia under existing legislation.

The national common access principles and best practice guidelines are to be developed by a working group, which will comprise Forgotten Australians and Former Child Migrant stakeholders, along with state and territory representatives.

We suggest that this model could be applied to those separated by adoption who are seeking to reconnect with family. This would be consistent with Recommendation 17 of the Senate Committee Report which states:

The committee recommends that the states and territories extend their Find and Connect information service to include adoption service providers.

The Forced Adoption Implementation Working Group would be pleased to provide any further information and submission as may be sought.

Yours sincerely,

Nahum Mushin.
Chair.