

SUBMISSION TO THE LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE PROTECTION OF VULNERABLE CHILDREN

I wish to thank the committee for allowing me to make a submission in relation to protection of vulnerable children legislation. My name is Murray Legro and I am the spokesperson for the Australian Adoptees Network a small information and lobby group that has a very keen interest to ensure the mistakes of the past are never repeated. Our websites are:

<http://www.adopteevoicesaustralia.org> and,

<http://www.australianadopteesnetwork.web.com>

The changes made to the legislation under the previous were generally an incremental step forward. There are however some issues that concern many people in the adoption community which simple clarification and possible re wording.

Child protection is a responsibility of government that is as important as education and health in modern society. From reports I have read I know there were 10489 substantiated abuse claims in Victoria for the year 2012/13 up from 6344 in 2008/09. 5019 of the substantiated claims were for physical and sexual abuse. The better compulsory reporting procedures would be partial responsible for highlighting the abuse that in the past went unnoticed. This is terrific because those who have been abused as children have a fifty per cent chance of abusing as well so any means of breaking the cycle is most welcome. The figures from 2011/12 also show 6206 were in out of home care. One would not wish to be in the shoes of the hardworking child protection staff as they go about their difficult task, which brings to the first point.

The amendments last year reduced the role of the Children's court of Victoria and increased the authority of the secretary of the Department and his authorised delegates. Difficult decisions were being made at an administrative level without the much needed oversight of the judicial system. The staffs of child protection are to

be commended for their dedicated and difficult work. I know the burn out factor must be very high, shortage of staff pressure to get every cases right. But just like the police they spend much of their time dealing with people who live on the edge of society and as such there would a inclination to stereotype and pigeon hole each case into particular pre determined outcomes.

It is for that reason that a judicial review and judgement on each decision allows for the letter of the law to be followed as well as allowing parents and yes sometimes the child to have proper legal representation in a adversarial role to ensure the full facts are presented and if needed rebutted with evidence. I once spoke to a lawyer who used to work within the department many years and he said he managed to weed out about 5 per cent of the cases because they did not warrant the hugely life changing decision to separate the child from their parent/s. So I strongly recommend that the Children's court of Victoria have an expanded role in deciding the fate and future of children who may be damaged for life because of the situation they have found themselves in through no fault of their own.

When the amended laws went through parliament last year a great deal of consternation was felt around the adult adoptee community because of the wording of what seemed to be a order of priority in section 4.3 , know some consternation was created by the placing of Adoption ahead other suitable option. I know that there is no particular order but it could easily be misinterpreted now that secretary has the power to use adoption as a means of providing long term security. It would be quite easily to better clarify that adoption is a last resort due to the finality that adoption entails. All other actions including permanent care orders can be challenged which could affect the mental and physical wellbeing of a traumatised child if they have to endure that (in other cases it may be most welcome) and in very rare cases adoption may be the only viable alternative. We cannot remove weapons that assist in the security of children but we can and should determine their usage via legislation and the court process. We must also take into account the fact that people will read certain segments in isolation and not understand that the act is a whole range of interlinked requirements and obligations and also has links with other acts like the Adoption Act, Thus when wording the act some consideration should be made to take that into account

All children removed from families from babies with no memory to a child who has suffered terrible abuse will develop some or many issues relating to their removal. As a 65 year old person, I understand very well that as each decade of one's life goes by, differing issues from that traumatic past and how a person has led their life will come back to haunt. Research has shown that children often inherit mental health issues from their parents regardless of the loving environment they have been raised in. And then the traumas of removal and separation may trigger the mental health predisposition leading to a lifetime of continual emotional instability. And the vast majority of those affected have led successful lives. For example I served twenty years in the military before moving to Ballarat where I have been employed all my until the last two years when my dear wife contracted a chronic condition that requires my full time assistance. Last year I was diagnosed with a chronic Dysthymia, a low-grade continual depressive disorder. It appears I have had this condition from an early age and like most sufferers not normally diagnosed. This helps explain why I tend not to develop close friendships because one of the symptoms can be anger. This, the natural tendency of adoptees to not get close to people, leaving home at 12 to go to school, and occasionally sleeping in the back of cafe's in Launceston can now be directed back to that chronic undiagnosed condition. Any legislation should include as a matter of priority the provision for intensive support and therapy for the children and if needed into later life. This is very important during the early teen years.

The final point I would like to raise is a pre-emptive strike to ensure what happened recently in Queensland where a lawyer was able to bypass that state's adoption laws by using the family court of Australia to approve a private arrangement between a "consenting" teenager and his clients so that they have responsibility for the child but she is technically the mother with no rights. It was highlighted on the Sunrise show on Monday 8 June 2015. This is very worrying because it bypasses the checks and balances so carefully put in place by states. As a person who was sold by the Salvation Army and my grandmother back in 1950 due to a loophole in the Tasmanian law, I see that if this model of making instant families by the wealthy will lead to a market in babies where young pregnant girls are offered fistfuls of dollars on the side to give up their child.

All processes that involve the movement of children from natural family must in circumstances be controlled by the state lest we have the good old days of private hospitals in conjunction with lawyers supplying a demand for babies. If all those people who claim that they want to adopt or care for babies in the name of humanity were to actually help those who do need their support then the crisis in out of home care in relation to finding excellent carers may actually disappear.

Again I wish to thank the committee for reading my submission and hope that I have assisted you in your deliberations. I am available if you wish to appear in person.

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