

An inquiry into support services and responses to the issue of historical forced adoptions in Victoria

I am surprised that the Victorian Government has felt it necessary to hold this inquiry, given information about the responses to recommendations made during investigations into forced adoptions and the status of the relevant support services is available in the public arena. I draw your attention to, for example, the undertakings made by the Commonwealth and Victoria Governments applicable to persons with a forced adoption experience, the records of the relevant Council of Australian Governments [COAG] meetings and the ancillary Community and Disability Services Ministers Conference, the website of the Commonwealth Department of Social Services and VANISH Inc Annual Reports. Via these avenues the current status can be determined.

Whilst I question the diversion of funds, better allocated elsewhere, to undertake this inquiry, I accept the opportunity to make the following points, under two headings.

Responses

The 2012 Senate report on the *Commonwealth Contribution to Former Forced Adoption Policies and Practices* made twenty Recommendations, many of which apply also to the Australian states and territories. On 21st March 2013, the day of the National Apology for Forced Adoptions, the Commonwealth Government officially responded to these Recommendations, in the process noting where Federal and state responsibilities lay.

Recommendation 8 reads: *The committee recommends that the Commonwealth, states and territories urgently determine a process to establish affordable and regionally available specialised professional support and counselling services to address the specific needs of those affected by former forced adoption policies and practices.* Whilst support services are available, counselling has not been funded under the Forced Adoption Support Services programme. This oversight has had profound ramifications [see below under Support Services].

Recommendation 11 reads: *The committee recommends that the Commonwealth should lead discussions with states and territories to consider the issues surrounding the establishment and funding of financial reparation schemes.* I am not aware of any progress on the matter of reparations within Victoria.

Recommendation 12 reads; *The committee recommends that institutions and governments that had responsibility for adoption activities in the period from the 1950s to the 1970s establish grievance mechanisms that will allow the hearing of complaints and, where evidence is established of wrongdoing, ensure redress is available. Accessing grievance mechanisms should not be conditional on waiving any right to legal action.* Again, I have seen no evidence of a grievance procedure being made available in Victoria.

Recommendation 13 reads: *The committee recommends that • all jurisdictions adopt integrated birth certificates, that these be issued to eligible people upon request, and that they be legal proof of identity of equal status to other birth certificates, and • jurisdictions investigate harmonisation of births, deaths and marriages register access and the facilitation of a single national access point to those registers.* On the first point, Victoria has been both tardy and negligent. That integrated birth certificates be introduced was also a recommendation made by the Victoria Law Reform Commission in a report tabled on 7th June 2017, yet there has been no further progress. This recommendation was in addition to an undertaking made by the Minister of Community Services Mary Wooldridge on 25th October 2012, the day of the Victorian Apology for Past Adoption Practices, ... *to support the development of an integrated birth certificate ...* . For the wellbeing and identity settlement of adopted persons, this long-deferred matter requires urgent attention. The task is not beyond Victoria, for recently South Australia introduced integrated birth certificates.

On a related matter, in that it was another recommendation in the Victorian Law Reform Commission Report, we have yet to see the repealing of the *Adoption Act 1984* and its replacement by an Adoption Act relevant to the 21st century, hopefully incorporating learnings from the era of forced adoptions.

I am not aware of any progress on the national harmonisation of births, deaths and marriages registers.

Recommendation 14 reads: *The committee recommends that:* • *All jurisdictions adopt a process for allowing the names of fathers to be added to original birth certificates of children who were subsequently adopted and for whom fathers' identities were not originally recorded; and* • *Provided that any prescribed conditions are met, the process be administrative and not require an order of a court.* Here Victoria can report qualified success. The father's name can now be added retrospectively to the original birth certificate, BUT, in the absence of a DNA test, via a court order. As a father, I welcome the implementation of the first provision.

Support Services

The Australian Government response to the Senate inquiry recommendations stated *The Australian Government committed \$11.5 million over four years to 30 June 2017 to assist those affected by forced adoptions including \$5 million to improve access to specialist support services including counselling and record tracing for those affected by forced adoptions.* Additional funding was provided in 2016-17 to provide for an extension of the Forced Adoption Support Services to June 2021. However, in Victoria the provision of these Commonwealth-funded support services has never included therapeutic counselling, the repudiation of a specific undertaking. The Victorian-funded local post-adoption support service organisation, VANISH Inc has the limited ability to provide counselling, because it is under-resourced. As noted in the Forced Adoption Support Services Post-Implementation Review of January 2018, *The absence of therapeutic counselling, albeit because of the ambiguity in the Grant Agreements and Operational Guidelines and FASS providers' interpretation thereof, was seen as a key gap in the model by providers, clients and other stakeholders consulted.* Filling this gap with funded counselling services is the matter, above all else, requiring urgent attention. This where the funds dedicated to this inquiry fruitfully could have been directed. Further, at the delivery of the Victorian Apology in October 2012 Minister Wooldridge made the undertaking: *We will provide enhanced access to specialised counselling and support in rural, regional and metropolitan Victoria, including new professional development for counsellors in post-adoption psychotherapy.* This has not occurred. Both the Commonwealth and Victorian Governments have failed to deliver a specific commitment.

In addition, the Victorian Government needs to consider the provision of support services to fill the void after the cessation of the Forced Adoption Support Service in June 2021. The Post-Implementation Review of Forced Adoption Support Services concluded that the Victorian Forced Adoption Support Service was clearly the poorest performing in Australia, with the unit cost per client thirteen times that of the most efficient service, based in Queensland.

Victorian people with forced adoption experiences, who were promised and still await the full suite of support services appropriate to their needs, have been disadvantaged since 2013.

Gary Coles