

## **SUBMISSION TO SENATE COMMUNITY AFFAIRS COMMITTEES**

- Commonwealth Contribution to Former Forced Adoption Policies and Practices
  - a) the role of the Commonwealth Government, its policies and practices in contributing to forced adoptions;
  - b) the potential role of the Commonwealth in developing a national framework to assist States and Territories to address the consequences for the (birth and adoptive) mothers, their (birth and adoptive) families and (birth and adoptive) children who were subject to or a consequence of forced adoption policies.

### **Addressing (a) above:**

My name is Craig Miller. I am a mature age (69 years) adopted child – adoption order dated October 1942 in Brisbane, QLD.

**In summary, from an affected person’s point of view I am strongly of the view that the Federal Government which, in effect, has had no noticeable role to date in the law or administration of forced adoptions must be the sole legislator for ALL future Australian adoption matters with the States having only an admin role under ‘licence’ from the Feds.**

### Reasons and commentary:

- I regard myself as a ‘true blue’ Australian, born and raised here and have had a reasonably successful upbringing and adult life. My wife and I have made a fairly substantial contribution towards the population growth of Australia with three children and twelve grand children. However, during my many years of research and investigation into the circumstances surrounding my adoption – when I was trying to resolve the ‘mysteries’ of the ‘black hole’ that encompassed the background of my natural parentage (a basic right, I think, of every new born no matter what country of origin), I have concluded that when it comes to the legal status of ADOPTED in Australia I have been treated not as an Australian citizen as such but more as a Queensland State ‘citizen’ when it comes to my basic human rights concerning my background, knowledge of my birth family/ies, knowledge of any blood siblings, denial of any rights to meet birth parents or siblings, etc. I am strongly of the view adoption should be governed by Federal Legislation and, for efficiency reasons only, with the States ‘licensed’ to administer the Federal laws.
- No matter where I resided over the 45 years of my ‘search and find’ mission, I could only deal with the Queensland state bureaucracy who by and large were considerate and empathic to a limited extent but very much restricted by ‘unempathic’ legislation drafted by persons and passed by parliaments who obviously had no direct experience with actual adoption AND certainly did not

bring 'empathy' into their considerations. If you wished to view an example of a similar situation I and many other adoptees experienced, then please take the time to take in the excellent movie "Oranges and Sunshine".

- You will find from the various submissions made/being made to you that comments from adoptees from each of the States will reveal different experiences – both good and bad and, importantly, no two 'stories' will be the same. With adoptees from various States being subjected to very different State laws effecting the individual adoptee's basic human rights as to knowledge and contact of natural parents/siblings particularly over the many decades up to 2009 when Queensland State eventually 'toed' the line in many respects with other States, I and many others at times have NOT felt 'Australian' but rather as 'qualified' Australians because we have been denied various basic human rights as between ourselves and other Australians not effected by adoption. **I ask each of you on committee how you'd feel IF you were denied the knowledge of whom your birth parents were OR if you were denied the knowledge of who your blood brothers or sisters were!!**
- When it comes down to basic humanity, all Australians should and must be treated equally, whether it be humanitarian laws related to adoption, humanitarian laws related to immigration/citizenship, humanitarian laws related to the armed services, humanitarian laws relating to basic health of our citizens, etc.. This has simply not been the case for me (and for many others with similar background experiences from the various States/Territories). There should be one set of laws to administer basic human rights across all fields in an empathetic manner in this country. That can only come about via Federal Legislation.

#### **Addressing (b) above:**

**In summary, I am strongly of the view that legislation must be introduced so that once an adopted person becomes an adult then he/she as well as ALL other key parties (birth parents, adoptive parents and any siblings of the adoptee from either birth parent) to the adoption must become aware of each others' existence. Then as sensible, law abiding adults, they would be expected to deal with this new found knowledge without detriment to any other party to the adoption process.** The legislation would impose severe penalties on those who transgressed. Trained intermediaries would be able to be employed at Government expense to 'smooth' the way forward in those more tenuous situations.

- In my view, the person who has 'suffered' the most by 'unempathic' State legislation to date has been/still is the most 'innocent' party of all in the adoption process – the adopted child!!! He/she had absolutely no say in he/she becoming a person yet birth parents and adoptive parents have had far more rights/protection in the adoption process to date than the child given up/forced into adoption. Many adoptees similar to myself did not find out until late in our lives that we were in

fact adopted. Many go to their graves not knowing! This has been a very selfish position of the birth parents and adoptive parents (and probably others like natural grand parents, maybe siblings of the birth parents, etc) as many of these knew about the situation of the adopted child from the moment he/she was born. Yet the adopted child could live on for many years with others in the community effectively living a 'lie' about who the adoptive person really is!!!!, his/her real origins!!

- **THIS MOST UNSATISFACTORY SITUATION HAS ARISEN DUE TO ADOPTION LAWS IN THIS COUNTRY HAVING BEEN LEGISLATED ON A PIECEMEAL BASIS BY EACH OF THE STATES' AND TERRITORIES' GOVERNMENTS OVER MANY DECADES.** Just because one State, for example Victoria, upgraded to a more empathic situation others States did not necessarily follow for some considerable time. Hence, at a particular time, grossly differing rules between States applied to the gross detriment of many, many adoptees – all Australian citizens!!!! This has been a real blight on those responsible for drafting and passing the various State enactments in the past.
- An example of this under Queensland State legislation until major amendments came into force in February 2009 was the 'no contact' provision. No matter the age of the adopted child, if a birth parent registered "No contact" that embargo remained not just 'till the death of that parent but extended to infinity after that death!!!! The birth child forced into adoption had no rights at all to find out who his/her birth parent/s were OR if there were other siblings 'out there' with whom the adopted child may well have a good chance of befriending/becoming a close relative. AND there is the extended family beyond that!!!!!! Fortunately, that legislation has now changed but there are residual aspects that remain most unsatisfactory. Example, there is no obligation of the administering Department in Queensland to let the living birth parent/s or other siblings (both half and full) know of the existence of the adopted child or vice versa if the adopted child should not be aware of his adoption – it does happen and more often than you think!!!!
- Over the past several decades, community attitudes have changed dramatically across our nation in many respects – not the least of which are changed attitudes towards adoption. As you will be very much aware, very few children born in Australia today 'out of wedlock/illegitimately' are given up for adoption. By far the great majority of such new borns are 'retained' by the birth mother (and sometimes with the birth father 'tagging' along as far as support goes – whether live in or not). Often these birth parents are very young yet by today's community standards, little is thought adversely of such 'family' structures, whether or not such families reside near us. In fact, Federal Government changes progressively over recent decades to welfare entitlements 'encourages' retention of the child as the legislation accepts the birth parents' right to retain the child if at all possible and the Federal government (NOTE: not the State Government) assists somewhat

in the 'provision' for the care/upkeep of the mother/child through welfare payments. This is a gross change to what existed in 1942 and up until the late seventies!!

- One very large difference today for these 'new borns' retained as against those of my 'forced adoption' era and up to, say, the late seventies is these 'new borns' will grow up knowing their birth family, knowing their siblings – whether full or half, knowing their extended family members (grand parents, cousins, etc, etc). At this point in time I, and many in a similar position to me, don't know our birth parents; don't know our siblings OR if there are in fact siblings out there; don't know our birth grand parents; don't know our other blood relatives. **Why two different sets of laws?** Why should those of us approaching the end of our days go to our final resting place not knowing our blood relatives (a basic human right in my view)? Why should our blood relatives not be made aware of our (adopted children) existence (a basic human right in my view)? With changed community standards over recent decades adult people should be permitted to deal with surprising disclosures in an adult way, the outcomes of which will vary from very bad to very good but at least all will be disclosed and the respective family members, be they adoptees, birth parents, adoptive parents, siblings (full or half), birth grand parents or adoptive grand parents will need to be adult enough to deal with the new disclosures.
- **This, in my strong view, is another clear example of why there should be one Federal law administering adoption in this country and not several State/Territory laws that don't mesh!!!**

I have absolutely no hesitation in accepting that there will be many adults (particularly those of the older generation) who will have difficulty dealing with the new disclosures should such become mandatory. This is where the current trained and experienced people within current State community affairs departments/post adoption services agencies would assist greatly.

I have to say my personal experience in this regard to date has been positive, even if somewhat very late due to the 'unempathic' State legislation that existed until mid 2009. As I understand the situation, if Queensland law had been at least the equal of Vic law during the late eighties/early nineties, I would have had the opportunity to have met my birth mother much earlier than I did on 9 March 2011 (when she was 89 and in poor health) as well as have met my four sisters and their extended families. My family and their families may well have had many enjoyable times in the past 20 years but were denied that opportunity by 'unempathic' State legislation.

Due to Qld laws that existed until mid 2009, I and my two 'families' have only recently started to meet – with nothing to date but positive outcomes!!!

On my birth father's side (he is still with us at age 89 years, in good health), I have been able to conduct research into his 'other' family where it has come to light I have another sister and four brothers – none of whom know of my existence. Of course, I fully accept a meeting of these siblings may not work out as positive as the meetings of my siblings from my birth mother's side. I have spoken with my father twice but he prefers to keep the past in the past – a preference I have no problem in accepting BUT my other siblings

should at least have the right to be told of my existence and it be up to them and I as to the outcome. As the father is reluctant to do so, then the department through its trained personnel should be permitted under legislation to do so with the outcome to be carefully handled in an empathic way through the department or approved intermediary.

I would very much support the Federal Government introducing and passing new legislation that takes total control of the process of adoption in this country. Such legislation to include, amongst many other matters, the following provisions:

1) Upon the adopted child becoming an adult – I believe this to be 18 years in this country, he/she be informed of their adopted status IF that has not already been done voluntarily by the adoptive parents; **afterall, an 18 year old in this country is legally entitled to vote, is legally entitled to drive, is legally entitled to join the armed forces, is legally entitled to enter and enjoy the services of licensed premises, etc YET is not legally entitled to be informed about his/her circumstances in being here in the first place!!!**

2) Subject to (1) above, the adoptive parents be forewarned that the adopted child having reached adult status now has the right to become aware of any living birth parents as well as of any living siblings from either of those birth parents; this would give the adoptive parents the first opportunity of informing the adopted child of his/her status;

3) The Federal Government department either itself or through an appropriate State Government department or an approved intermediary contact ( if addresses are known) the birth parents of the adopted child to inform them the adopted child now has the right to become aware of their existence (names only and original birth certificates) as well as the names of any siblings of that adopted child;

4) If necessary, the Government Department involved in this administration act or appoint an intermediary to make the initial contact with each birth parent (if whereabouts are known) and each of any siblings (where whereabouts are known). If addresses are not known by the department concerned within a reasonable time within which to allow searching enquiries to be conducted then names of all direct parties to the adoption in question be made available to the adoptee. The adoptee must then only proceed to make contact with any other key party to the adoption through an approved intermediary at Government expense;

5) In cases where either birth parent or any sibling does not wish to be contacted by the adoptee or to make contact with the adopted child in question or proceed with any matter other than making known to the adopted child of the existence of such parent or sibling (this to be mandatory), the adopted child shall not be permitted to take matters further. To do so would be a fineable offence (not jail).

**NOTE: My suggested changes to legislation should apply to ALL adoption cases no matter when the adoption took place.**

**Should such legislation be introduced – either Federally or at worst by the States/Territories, then the big change for me and very many similarly placed adopted persons, would be ALL key parties to the adoption process, ie the adopted person, the birth parents, the adoptive parents and any siblings from either birth parent would become aware of one another's existence AND then, as adults, would have every right to take that new found knowledge to whatever level each individual**

**involved would so wish but with the legislation protecting against adverse practices by any of the parties effected by that specific adoption.**

There would be good outcomes and not so good – just as there is today WHEN each party becomes aware of the existence of the other parties to an adoption. If either birth parent does not wish to ‘disturb the past’ so be it but that attitude should not stop other siblings being informed. If any such informed sibling then chooses to take the new information no further, then so be it. But all blood relatives would be aware of one another’s existence. I believe there would be more positive outcomes than negative. I feel sure the records of the various State departments administering adoption as well as the records of the well trained and experienced intermediaries would reveal a similar outcome.