

12th March 2015

The Secretariat
Adoption by Same Sex Couples Review
Department of Premier and Cabinet
1 Treasury Place
Melbourne VIC 3002

Dear Mr Moran PSM QC

Re: Review to permit adoption by same-sex couples under Victorian law

VANISH, the Victorian Adoption Network for Information & Self Help (www.vanish.org.au), has been working for 25 years with persons directly affected by adoption, both local and intercountry. We draw our policy positions from our direct contact with our membership of more than 700 people from the adoption and adoption-related community. We also work with the Forgotten Australian community and people affected by donor conception.

VANISH holds the view that adoption is a permanent alternative family placement program of last resort for vulnerable children, not a first resort family formation service.

Of course, VANISH endorses the Victorian Government's moves to remove discrimination against same-sex couples in legislation. If adoption is available and is in the best interests of the child, and we contend that it should be a step of last resort and in very rare circumstances, then same-sex couples should not be excluded by law.

However, as enshrined in Article 3 of the United Nations Convention on the Rights of the Child, VANISH holds that the best interests of the child should be the primary consideration. As such, VANISH is concerned that any broadening of eligibility criteria for prospective adoptive parents may impact the Victorian Government's approach to adoption, potentially transforming it into a first resort family formation service for same-sex couples.

VANISH is highly reticent for any significant changes to be made to adoption legislation prior to a comprehensive review of the *Adoption Act*, to which the Minister for Community Services, Jenny Mikakos, committed prior to gaining office in November 2014 and which is now in planning.

VANISH appreciates that there is an ongoing need for more foster carers in Victoria, and especially for parents willing to care on a permanent basis for children currently in the out-of-home care system. Victoria has established a responsive and effective alternative to adoption for these children – the Permanent Care Order.

VANISH supports permanent care as a way to care for children unable to remain with their families on a long-term basis, providing stability and nurturing through to adulthood and beyond. Permanent care, including with same-sex couple families, achieves this with far less detrimental impact than adoption on the child's long-term health and well-being, as it does not sever the child's past connections and identity.

Even when adoption is a more 'open' process, adoption violates, or enables violation of, several children's rights as enshrined in the United Nations Convention on the Rights of the Child, including but not limited to:

- The right to his or her name, as registered at birth (Article 7);
- The right, as far as possible, to know and be cared for by his or her parents (Article 7);
- The right to preserve his or her identity, including name and family relationships (Article 8); and
- The right, where separated from one or both parents, to maintain personal relations and direct contact with both parents on a regular basis (Article 9).

It needs to be noted that, currently in Victoria, very few expert specialist resources are made available to adoptive parents. Subsequently, the contact arrangements for children and their birth parents established at the time the order is made often break down very early in 'open' adoptions with a consequent lack of contact for the child with his or her birth parent/s.

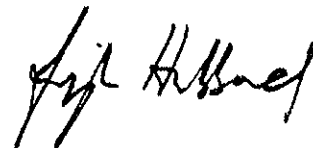
The violation inherent in an Adoption Order of the child's right to preservation of his or her identity will only be ameliorated when integrated birth certificates which accurately reflect a person's parentage are not only available in Victoria to adopted persons, but mandatory for every person whose parentage involves a third party/parties (including donor conceived people and people born of surrogacy). It is not sufficient to provide a child with the name of only biological and social parents without naming and providing access to donors and to birth/surrogate mothers.

VANISH would welcome the opportunity to further discuss this matter with you.

Yours sincerely



Coleen Clare
Manager, VANISH Inc.



Leigh Hubbard
Chairperson, VANISH Inc.