

Ms Toni Matulick
Inquiry Secretary
Community Affairs References Committee
Parliament House
Canberra Act 2600
Email: community.affairs.sen@aph.gov.au

Dear Ms Matulick

On 6 December 2011 you wrote in behalf of the Committee to advise me that it had received a submission from Ms Christine Cole making strong claims about the conclusions of a publication that I had drafted on behalf of the Human Rights Commission in 1984, 'The Rights of Relinquishing Mothers to Access to Information Concerning their Adopted Children'. You indicated that the Committee would be interested in my response to the claims made in the submission on page 28. I thank the Committee for this opportunity.

In responding I note that some comments on page 28 do not accurately represent the position put in the Human Rights Commission discussion paper. While that paper was critical of the model ACT adoption legislation, it did not 'accuse the Australian government of committing acts of inhuman and degrading treatment', or describe the model legislation as an attempt to 'procure infants for adoption'. The term 'inhuman and degrading', as well as being highly charged, has specific legal meanings in a human rights context that need to be clearly unpacked before it can be used in an inquiry such as this one. The discussion paper and the legislative review that grew out of it did, however, argue that the 1965 model ACT adoption legislation accommodated and even fostered policies and procedures that were likely to constitute both direct and indirect discrimination on the ground of marital status.

The submission of the Women's Electoral Lobby to the Committee's Inquiry (no 224) deals with the Human Rights Commission's 1984 discussion paper in more detail; I outlined the findings of the Commission's 1986 full scale Review of the ACT Adoption of Children Ordinance when I appeared before the Committee on 20 April 2011 in Melbourne.

Yours sincerely

Kathy MacDermott