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Hon Peter Foster MLC
Chair
Environment and Public Affairs Committee
Legislative Council Committee
Ground Floor
18-32 Parliament Place
WEST PERTH WA 6005

Dear Chair

Invitation to attend the Inquiry into Past Adoptive Policies and Practices

I refer to your letter dated 4 August 2023 regarding the Inquiry into Past Adoptive Policies and Practices and inviting the Department of Justice (the Department) to provide a submission.

The Department has considered the terms of reference and provides a submission in relation to the issue of birth certificates. However, the Department of Communities is the lead for the remainder of issues and is better placed to address the Committee on these. On this basis the Department of Justice does not intend to attend the hearing on 9 October 2023 as the written submission covers the matters in relation to birth certificates. However if the committee has additional issues it wishes to raise with the Department following review of our submission, consideration can be given to attending at a later date.

Please not hesitate to contact the Department if further information is required in addition to this submission. My office can be contacted via email at doj.dg@justice.wa.gov.au or via phone on 9264 1833.

Yours sincerely

Dr Adam Tomison
DIRECTOR GENERAL

5 October 2023

Att. Submission – Department of Justice – Issues with Birth Certificates

Issues with birth certificates – a seemingly historical policy of omitting fathers' names where the child was illegitimate, difficulties in obtaining certificates now and further in amending originals to include birth rather than adoptive parents

Historically the *Registration of Births, Deaths and Marriages Act 1961* (now superseded) that governed birth registrations included a section stating that the father of an illegitimate child was not required to provide their information to be included on the registration. Further, the Registrar General was not able to add the father's name to the birth registration unless the mother provided the father's information and a statutory declaration supporting the parentage. This superseded legislation has resulted in incomplete birth records for people that were subsequently adopted. It has also been the case that until such time that adoption records were opened by the Courts, information pertaining to adopted persons parentage was not available and with past practices that did not require a father's details to be included on a birth registration, the court records were often incomplete.

Under current legislation, the Registrar of Births, Deaths and Marriages is, upon receipt of a letter of authority issued by the CEO of the Department of Communities, able to provide adopted persons with information regarding their birth parent(s). However, in accordance with the Adoption Act 1994 an adopted person's birth certificate can only reflect their legal parentage (post adoptive parents).

The Department of Justice and the Department of Communities are currently working jointly on a set of reform initiatives including the introduction of an Integrated Birth Certificate that will enable adopted persons to have pre and post adoptive parentage information on a birth certificate and to use that certificate as a valid and legal identity document.