

**BACKGROUND PAPER FOR THE MINISTER OF COMMUNITY  
AND HEALTH SERVICES**

**ON ISSUES RELATING TO HISTORICAL ADOPTION  
PRACTICES IN TASMANIA**

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The Director went on to comment that it was hoped that "in the interests of these young mothers, this procedure could be brought into effect at the Queen Victoria Hospital. There is an added danger that if an early consent is given, even though a medical certificate is provided, the girl could later claim that she was forced to sign in order to be allowed to leave hospital and that as she could not afford to remain, she was under severe economic pressure. Conversely the actual signing of consent is not a safe guard in itself since the mother could withdraw this immediately on leaving the hospital (or within 30 days after) and provided this revocation was in writing the Department would have no choice but to act upon it.

At present the mother may revoke her consent at any time up to the making of the adoption order but in practice it is comparatively rare for this to happen after the placement of the baby. The mother is seen as regularly as possible during pregnancy, to provide opportunities to discuss the pros and cons of adoption from every point of view and help her with plans to keep her baby if this is what she wishes. Usually the decision reached by the end of pregnancy is a firm one."

Adoption workers on the North West Coast of Tasmania told me that their practice was to meet with the pregnant mother early at her home or in the office prior to the birth to discuss the prospect of adoption. Consents were not signed in the hospitals but sometime following the birth either at the



mother's home or at the Departmental office. They recall very few revocations of consent. They also spoke of the practice of "shared care" which was trialed in the early 1970's for a period. The child was placed with foster parents and maintained contact with the natural parent(s) thereby having two sets of visible parents. Experience subsequently showed this practice to have a detrimental affect on the child and was discontinued. \*

It is apparent that there were directives issued to welfare officers working in the adoption field at least from the time of the enactment of the 1968 Act which emphasised the fact that the decision to adopt was that of the mother, that she should be assisted to make an informed decision and not be placed under any duress.

Acknowledgement was made of the fact that many single mothers did keep their babies and managed quite successfully especially where they received support from their own parents. It was noted in one Departmental memorandum in 1969 that there had been several actions in the Supreme Courts of other states where mothers had challenged adoption orders on the grounds that undue persuasion was placed upon them to consent to the adoption and that judges had been critical of such persuasion.

Kellmer Pringle in his article "The Needs of Children," made a statement about adoption which largely confirmed societal attitudes at the time (1974):

**7. ASSESSMENT OF ADOPTION PRACTICES ALLEGING OFFICIAL DECEPTION, COERCION AND ILLEGALITIES**

The impetus for this Report arose following complaints of past adoption practices and in particular allegations that 50 Tasmania birth mothers had been tricked into thinking their babies had died at birth and were later contacted by these children who had been adopted as infants.

As well as being engaged to prepare this Report for the Minister, I have been appointed to provide specialist individual assistance to assist people to access records, search for information and investigate allegations of past adoption practices. Despite fairly extensive advertising of my services around the State, I have not been contacted by one birth mother who has alleged that she was told her baby had died at birth and subsequently discovered that her baby had been adopted. Nor have I been approached by any adoptees who believed that they may have been "switched" at birth or asked to investigate if they were one of the so called "stolen babies". I have not been asked to investigate any issues on behalf of adoptive parents.

I had no power under the current Adoption Act 1988 nor was I vested with any authority to inspect adoption records without the consent of the individuals involved. From the limited number of records I was authorised and permitted to examine on behalf of individuals, I found no evidence of official deception as has been suggested in media reports. By this I infer that a government agency or instrumentality, was not involved in a practice or

birth certificates amended to include the names that they had chosen for their babies.

Another issue raised has been the right of contact of natural relatives to their adoptive children and in particular to natural grandchildren where the adopted child is preventing contact. The natural relative could make an application under the Family Law Act 1975 for contact with the child which may be granted if it could be established that such contact would be in the child's best interests.

I was informed by a member of Adoption Jigsaw that there have been instances in past years where birth mothers believed that their babies had died at birth and were subsequently contacted by a person claiming to be their adopted child. In these cases a search of adoption records revealed that there were signed consent forms on the file and when shown the form the mother had not disputed the signature. There are obviously no satisfactory explanations for these mothers but I understand that no one has sought redress or legal action. They may believe that their recollection of the traumatic circumstances in which they relinquished their babies is far from clear for them.

It has been suggested to me that there were instances at the Elim Hostel where mothers were told that their babies had died when this was not in fact the case. No one has yet sought my assistance however in relation to such allegations.