



Origins Supporting People Separated by Adoption Incorporated

***Supplementary Submission of Origins to the
Senate Inquiry into Commonwealth contribution to
former forced adoption policies and practices***

**Regarding the prospect of a federal apology for forced adoption,
as suggested at the time of the WA State Government Apology to Unwed Mothers
and as based along similar lines as the latter**

- (b) the potential role of the Commonwealth in developing
a national framework to assist states and territories
to address the consequences for the mothers,
their families and children who were subject to forced adoption policies

A Federal Apology to Unwed Mothers?

Justice Chisholm who gave evidence at the NSW Parliamentary Inquiry into Past Adoption Practices (1950-1998) described the removal of the child at birth – a common practice across Australia circa 1940s – 1980s, as follows:

I cannot remember whether there is a separate crime called "kidnapping" and, if there is, whether it contains something like "for gain" or something like that, but, subject to that qualification, if one wanted to describe it as kidnapping in a non-technical sense, that seems to me to be pretty right. It was certainly an unauthorised taking of the child. (NSW Parliamentary Inquiry into past adoption practices (1950-1998), Second Interim Report, p. 152.)

The final report of the NSW Parliamentary Inquiry into Past Adoption Practices (1950-1998), titled *Releasing the Past*, dismissed all rationale¹ for the removal of a child without legal authority.

In contrast, leading up to the apology to mothers in Western Australia, Minister Hames promoted the idea that rationale excuses, revealing the true nature of the apology as apologetics: "There are some who think we shouldn't apologise. Those were the practices of the day. That's why it was done. It was done in the best interests of the mother."²

Origins, as an organization, rejected the latter apologetics as cloaked in apology, as it is not the job of a minister to imply that it is OK to subject the legality of acts to public opinion when they are written in law; furthermore, ignorance of the law is no excuse.

In correspondence with Origins Inc, Minister Hames also implied that the removalist practice was legal, in maintaining that the decline in the number of babies available for adoption was due to changes in law and policy in acknowledgement of the parental rights of mothers:³

¹ "Whatever the rationale for the practice, the Committee believes that in all cases women should have been consulted about this issue prior to the birth and that a woman should not have been denied access to her child if she requested it. Therefore, failure to grant access constituted an unlawful and unethical action." ("Releasing the Past", para. 7.63)

² <http://www.abc.net.au/pm/content/2010/s3005280.htm>

³ See appended, Attachment "A"

Adoption practices today are very different. Now, in Western Australia there are no more than five or six adoptions a year. This is the result of significant changes in both law and policy, in recognition of the best interests of the child and the rights of parents to support and raise their children.⁴

The official terms of the WA State Government apology to unwed mothers included the following official statements:

This apology will be made on behalf of the State Government institutions which engaged in these practices, prior to a child being placed for adoption into families. It will recognise that from the 1940s to the 1980s, the legal, health and welfare systems of the day were unsupportive of pregnant, unmarried women...This apology is specifically to the mothers whose children who were adopted under past practices. At the time they were perhaps not given the opportunity to make an informed decision at a time of their life when they were particularly vulnerable.⁵

Is it true that the legal system was “unsupportive of pregnant, unmarried women”, as Minister Hames claimed? Were the mothers just ‘perhaps not given an opportunity to make an informed decision’? In fact the mothers were positively misinformed by an act of commission rather than merely omission that they *had* no rights.

The practice of removing the child at birth was the usurpation of the mother’s responsibility to care for her child. That responsibility was and continues to be protected under British Common law, which is followed in Australia. Mothers were not merely uninformed but placed under duress to sign away rights they were not permitted to exercise – rights to children who had already been removed. Submissions of Origins to this Inquiry will make it quite evident that this was done not in the best interests of the mother or child but to procure babies for infertile or otherwise childless couples.

The adoption workers main concern was based on the premise that the emotional distress caused by infertility and childlessness within marriage could be alleviated by providing an infant young enough to just ‘as if born’ to the adopting couple:

⁴ See appended, Attachment “A”

⁵ “Adoption apology planned for October”, The Liberal Party of Australia Western Australian Division, Retrieved March 20, 2011, from <<https://www.wa.liberal.org.au/item/2799>>

The Social workers concern is with childlessness or infertility, but the particular area of competence is, not in it's treatment, but in assessment or resolution of the effects on the marital relationship of the couple...' (Mary McLelland, spokeswoman for the Australian Association of Social Workers 1967)

On the day of the apology, Minister Hames said the following words, "Options for unmarried motherhood were extremely limited..."⁶, referring to the health, welfare and legal systems of the day. These were the official terms which the WA State Government acknowledged in parliament on October 19th 2010.

THE OTHER STOLEN GENERATION

 <p>CHRISTINE COLE, 58 Ms Cole was 16 when her daughter was taken from her at Crown Street Women's Hospital, in Surry Hills, in 1969 (hospital closed in 1953). She was never allowed to see her baby and was given a carcinogenic hormone to dry up her milk. She was forced to sign adoption papers before she could leave the hospital. Her baby's father, whom Ms Cole planned to marry, was threatened with jail if he tried to help her.</p>	 <p>ROBIN TURNER, 60 In 1967, Ms Turner was told her son had died days after his birth. She suffered septicaemia (blood poisoning) after spending four days in labour. Her sick baby was taken to another hospital without permission. Social workers then bullied her into signing adoption papers but, after refusing to sign, she was told her son had passed away. She met her son two years ago but the reunion wasn't successful.</p>	 <p>CASSANDRA COOK, 63 At 14, Ms Cook became pregnant after she was raped. Despite her parents' support, Ms Cook's daughter was taken from her and her signature forged on adoption papers. Ms Cook was told her child was going to a country family but years later discovered she had been kept at an orphanage for 13 months before being adopted. She has spoken to her daughter, who emigrated to Canada with her adoptive parents when she was 12, but says their relationship is rocky.</p>	 <p>JAN KASHIN, 68 Ms Kashin was a 21-year-old school teacher, engaged to be married, when she went into labour seven weeks early. Unmarried, she was forced to give her son, David, away. She was also handcuffed to her bed during labour at Hornsby hospital. Ms Kashin married David's father three weeks after his birth. She was reunited with her son in 1996 and now has regular contact with him and his daughter.</p>
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The Sunday Telegraph, November 21, 2011

In this article, Ms Chris Cole, instigator of the Apology Alliance and the White Stolen Generation, reportedly stated that, 'These practices were illegal an inherent in the system, that has already been established.' While it is true that the NSW Parliamentary Inquiry into Past Adoption Practices (1950-1998) did establish that hospital and social welfare practices were illegal, the official terms of the WA State Apology did not.

⁶ Removal of Children from Unmarried Mothers, Hansard, Retrieved March 20, 2011, from < <http://www.nla.gov.au/openpublish/index.php/aja/article/viewFile/1807/2173>>

Is it true that the WA welfare system of the day was "unsupportive of pregnant, unmarried women", as Minister Hames claimed and failed to retract though informed otherwise?



WESTERN AUSTRALIA

MINISTER FOR YOUTH AND COMMUNITY SERVICES

Our Ref: A3006
A6508

18 AUG 1983

The Secretary
The Association of Relinquishing
Mothers (WA Branch)

Dear Madam

Further to the letter you received from my Private Secretary, I have now been able to study your submission regarding proposed changes to the Adoption of Children Act and to adoption practices.

Firstly, I should like to congratulate you on a very well presented and extensively researched submission into which you have obviously put a great deal of time and thought. I believe, however, there are some factual inaccuracies in your submission. For example, monetary assistance was available to unmarried mothers in Western Australia through the Child Welfare Department for decades prior to the 1970's and many mothers accepted this assistance. Temporary fostering has also been an option over a long period although I am advised that many women could not exercise this because they found that they were not able to keep up the payments to the foster parents.

Again, there are issues you raise which I believe could have negative as well as positive outcomes, such as the taking of specific consents which, in the light of the current shortage of babies available for adoption, could lead to improper practices.

Unfortunately, it is not an ideal world. I believe that there are people who would take advantage, for their own purposes, of some of the changes you have advocated. This could, in effect, undermine the primary provision of the Adoption of Children Act that the welfare and interest of the child shall be regarded as the paramount consideration.

I should like to assure you that officers of the Department for Community Welfare and the Government are keeping abreast of current literature and reports concerning the need for

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Is it true that the WA health system was “unsupportive of pregnant, unmarried women”, as Minister Hames claimed, or supportive only of married women?

Human Rights Commission paper No. 5 found grounds for class action regarding the latter discrimination:

(D)iscrimination against a single mother on the grounds of her unmarried status may under the Sex Discrimination Act be an infringement of her rights (see paragraphs 61-2), which should be the same as those of any other patient, and specifically those of married mothers. She has the right to name her child and the right to see her child with no more restrictions than any other patient in the hospital, and even those restrictions are subject to her final decision. She can sign herself out of the hospital as can any other patient not subject to a committal for psychiatric reasons. She has the right to see anyone she wishes, including the putative father, and he has the right to see the child as much as any other father has the right.

On the day of the apology to unwed mothers, the apology instigator, Mr David Templeman (MLA) refuted the arguments of Minister Hames regarding ‘forced adoption’ – from social mores and the “best interests of the mother” perspectives, both of which were included in the official terms of the WA State Government Apology – when he said:

The language of this apology is crucial if we seek to right a great wrong of the past. During the period mentioned in this apology, state-sanctioned practices and policies, which we now know and acknowledge to be wrong, were often brutal and, in many cases, illegal. *In the past those practices and policies have been explained as one of the social mores of the day. The broader Australian community would never have accepted that myth. That is no excuse.* What happened was wrong. We need to acknowledge and state that it was wrong. Those practices involved the removal of babies from their mothers after birth. In many cases the separation of a mother and her baby happened illegally and immediately after birth. It was an attempt by the state to sever the most sacred of relationships—that between mother and child. As has often been detailed in personal stories, at times that separation was carried out in the most inhumane of ways. Numerous mothers have reported that they were prevented from touching or seeing their newborn before he or she was taken away. Many were told that their child had died only to find out years later that their child was alive and that he or she had been looking for them. Others were heavily drugged or sedated during

and after the birth of their child. *This apology motion should acknowledge that that practice was never in the best interests of the child or the mother.*⁷

Minister Hames is also on record as stating that an apology was ‘enough acknowledgment’, ruling out an inquiry:

I note your request for an inquiry into past adoption practices. As this issue has been well acknowledged and a formal apology is being considered, there are at present no plans for an inquiry.⁸

In the wake of the apology

Though other speeches in parliament on the day of the apology did set the record straight about the criminal aspects of past practices and policies in WA, officially the apology did not do the same. As Origins had predicted, the apology also left mothers disappointed,⁹ with news media casting aspersions on the validity of the Mother’s Story. Vitriolic examples of the latter include:

- “So now how much can they SUE the Government for ????”
- “...yep and now it's a free-for-all with underage girls and their babies everywhere....I say bring back compulsory adoption. I am sick of seeing them @ the local shops all standing outside smoking whilst their kids are screaming in prams. I am sick of bl**%\$ paying for them.”
- "You cant just blame the government as society was different then and obviously so were many families."¹⁰

In Conclusion

If there were to be an apology offered at the conclusion of this Inquiry, Origins would recommend to its members that it should be accepted only after a full admission of the crimes in question and not as a substitution for justice.

⁷ Hansard, WA State Government, p. 7, Retrieved March, 2011, from [http://www.parliament.wa.gov.au/Hansard%5Chansard.nsf/0/fff526da4cf39505482577c900279425/\\$FILE/A38%20S1%2020101019%20p7881a-7889a.pdf](http://www.parliament.wa.gov.au/Hansard%5Chansard.nsf/0/fff526da4cf39505482577c900279425/$FILE/A38%20S1%2020101019%20p7881a-7889a.pdf)

⁸ *ibid*

⁹ “Mothers disappointed by Barnett’s Apology”, *The Australian*, Retrieved March 20, 2011, from <http://www.theaustralian.com.au/news/nation/mothers-disappointed-by-barnetts-apology/story-e6frg6nf-1225940899053>

¹⁰ WA government apologises to unwed mums forced to adopt, *Perthnow*, Retrieved March 20, 2011, from <http://www.perthnow.com.au/news/western-australia/wa-government-apologises-to-unwed-mums/comments-e6frg14c-1225940839634>