

SENATE INQUIRY INTO COMMONWEALTH CONTRIBUTION TO FORCED ADOPTION POLICIES AND PRACTICES



ADOPTION ORIGINS VICTORIA INC.

Preamble to Submission

On behalf of Origins Victoria members we are citizens of the Commonwealth of
Australia and are mostly residents of the State Of Victoria

As citizens of the Commonwealth of Australia we have an inalienable right to
protection under the Australian Constitution and Common law of this country

As Australian citizens the Commonwealth affords us protection from unlawful and
harmful actions that threaten our rights to Life Liberty and Justice from those who
would deny us these rights within and without the borders of Australia.



1. Introduction and Summary of contents

Adoption Origins Victoria Inc. would like to acknowledge all people who have worked towards truth and justice around Australia's past adoption culture. The opportunity to have this inquiry is the product of numerous people's experiences over many decades studying the nature of the adoption industry. A large part of this study revealed the inherent injustices of a complex system designed to respond to diverse wants, expectations and desires; often without basic thought and regard for the mother and her baby at the heart of the issue.

We offer our sincere gratitude to the Senate Committee and Senator Siewert for their time and effort learning about the history of past adoption practices and for their endeavors to find just solutions to the many problems this inquiry will uncover.

In the following document, Origins Victoria Inc. establishes betrayal was at the heart of the adoption process. In addition, many mothers had their babies unlawfully removed in the labour ward before they had even expelled the placenta.

Origins Victoria Inc. further establishes that unfair practices relating to assistance and support to mothers was insufficient and in many cases non-existent. This includes the rights of mother's to be counseled; to be informed of the assistance available in order for her to make fully informed decision as to what was in the best interest for her child.

Origins Victoria Inc. also reveals how the abuse of a mother and her child was indeed both systemic and systematic. The systemic abuse began when a single mother presented at the antenatal clinic and was referred to the social worker for a



short term answer. In turn, a mother's pregnancy was viewed as a profound problem. However, she was unaware that the person that she believed will advocate to assist her and her baby's future together had already a mindset toward social cleansing and was already committed to potential adoptive parents.

Accordingly, the letter 'A' was recorded on a mother's file to alert labour ward staff. In reality, this meant that others had made the decision and not the mother. The consequences of this action resulted in longstanding emotional trauma for many mothers: it destroyed her trust in humankind; compounded any existing problems that were highly likely, in other circumstances, for a mother to grow through and survive emotionally. This baby was in turn subject to a grievous and life-long wound of separation and extrication to the ultimate debasement of the baby's own identity being exterminated.

Origins contends Mothers were incarcerated, marginalized, indoctrinated, humiliated, dehumanized, disenfranchised, and then coerced into signing documentation that would sever her right to parent her own child. Impacting psychological trauma upon herself and forcing her child to suffer issues of abandonment, loss of identity forever. These crimes against humanity were accomplished by breaching Commonwealth Laws because hospitals whether fully or partially funded were accountable to the Commonwealth Government.¹

Failing to provide professional counseling facilities for the mother prior to, during and/or after confinement



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3. Maltreatment of the unmarried mother and treatment of her in a cruel or demeaning manner.

Failure to have any proper regard for natural law, prevailing domestic and international principles concerning the protection and advancement of human rights. Promoting adoption in preference to warning mothers of potential harm such a course of action may cause them and their child.

The inhumane practice forbidding eye contact between the mother and her child with the intention of suppressing bonding resulting in violent to the psyche of mother and child.

The use of stirrups, shackling hands to the bed holding a sheet in front of the mother with heavy sedation as a means of control and Physical restraint in order to stop them from seeing the child immediately after giving birth.ⁱⁱ

Informing mothers that their child had died, when they were alive and have been relocated for adoption.ⁱⁱⁱ

Failing to have regard to and act in the best interests of both the mother and the child. Failing to take into consideration the mother's individual circumstances. An approach of one solution fits all.^{iv} Maltreatment of the mother, failure to make reasonable attempt to ensure unmarried mothers that their treatment was equal to that of married mothers.^v

Allegations of institutions giving custody of children to prospective adoptive parent prior to the conclusion of the 30 day revocation period.^{vi}



This submission will show how past adoption practices were callous, merciless and sadistic acts contravening a mother's basic human rights. At the heart of this abuse lies the fact that adoption practices were ill-conceived and authorities stooped to civil crime in adoption practices; social workers, medical professionals, church organisations and the successive State and Commonwealth governments throughout this period of adoption breached State and Commonwealth laws.^{vii}

4. Euphemisms.

We will be using the term 'mother' throughout this submission simply because that is what we are. We have been mothers from the moment of conception, throughout the birthing experience until infinity. In later years, many of us birthed our own family and in most cases, we would have parented our own infant but for the interference of people that failed in their duty of care. We would have parented our own baby if not for the breaching of State, Commonwealth, and International Laws. Failing to have regard to, and act upon, the mothers' individual circumstances.

All of the documents cited in this submission are available or copies can be provided to you upon request

- Who is Adoption Origins Victoria Inc.
- Terms of Reference
- 1948 National Health Service Act (Cth) referendum
- General information and literature review
- Commonwealth Law Ordinance Of Adoption
- Commonwealth Marriage Bill



- Commonwealth Crimes Act consents
- Financial Assistance Available
- The language of adoption and eugenics including Rapid adoption
- Victorian Inquiry

5. The role, if any, of the Commonwealth Government

Raison d'être –

(a) the role, if any, of the Commonwealth Government, its policies and practices in contributing to forced adoptions; and

(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.

Adoption Origins Vic Inc. contend the following Commonwealth Laws practices and Ordinances were breached in the hungry mission to rationalize the unlawful and fraudulent removal of perfect new born babies from their own mother to be placed in the created *Lawful* care of mainly infertile couples

6. Contravention of Commonwealth Legislations are as follows

- (a) the role, if any, of the Commonwealth Government, its Laws, policies and
- (b) The Commonwealth Marriage Act 1961 Sect 89
- (c) The Commonwealth Crimes Act
- (d) The Commonwealth Social Security Act 1943
- (e) The National Health Service Act 1948
- (f) The A.C.T Ordinance of adoption of Children's Act 1941



(g) The Human Rights Review of the A.C.T. Adoption Of Children Ordinance

(h) Annual reports submitted to the Commonwealth Government and placed on the table

Infringements of International Laws the Australian Commonwealth are Signatories to:

(i) The United Nations Rights of the Child Rights of the child

(J) The Hague convention

(K) The Nuremberg code

(L) The Genocide Convention ACT 1949

7. Who is Adoption Origins Victoria Inc.

Adoption Origins Victoria Inc. began in Victoria when a small group of people met in mid 1996 with Hon. Christine Campbell M.P State member for Pascoe vale and handed her a petition requesting her to lobby for an inquiry into past adoption practices.

As the shadow minister for Women's/ family affairs Ms. Campbell contacted her colleagues in other states and requested they also call for an inquiry, and with her assistance Origins Vic held its inaugural meeting at Parliament house on the 20th February 1997 where 300 people were in attendance and a public plea for an Inquiry was made by Francis O'Brien QC and Elizabeth Edwards convener of Adoption Origins Vic Inc.^{viii}

Our aims have always aligned with our sister groups in NSW and QLD Origins Inc. (New South Wales) was established in 1996 by a group of mothers who lost their children to adoption. In 1998, Origins Inc. successfully called for a State



Parliamentary Inquiry into adoption practices in New South Wales. It was the second longest Inquiry held in the history of NSW.

The present Committee members of Adoption Origins Vic Inc. are Elizabeth Edwards Convener, Jeanie Argus Secretary, Lyn Kinghorn Treasurer, Janet Tough assistant Secretary, Marie Coffee, Patsy Gall, and Patricia Posterino.

Our mission is the support of healing, assistance with family reunion, promotion of community awareness as to the consequences of adoption separation, to liaise with likeminded organizations, promotion of research, reform and redress, and we produce a monthly newsletter.

We have a library of information concerning the practice of adoption in Victoria, historical material, medical journals and papers, related reports, legislation and minutes dating from the post WWII period.

Conferences organized by us include:

- 1) Mental Health for People affected by Family Separation held in Mental Health week Liverpool NSW 2002
- 2) State Conference Mental Health for People affected by Family Separation Cobram 2003
- 3) Mental Health for People affected by Family Separation QLD Mental Health week 2004
- 4) Mental Health for People affected by Family Separation held in Mental Health week at the Melbourne Town Hall in 2006.



Adoption Origins Victoria Inc. is affiliated with Origins Queensland, Origins Canada, and Origins HARP for Forgotten Australians, Stolen Generations Alliance, Baby Scoop Era USA, South West Sydney Stolen Generations Support Group, Trackers UK.

Our relationships with research teams includes Monash University

Recently there has been much coverage to Spain and the baby trafficking allegations being investigated, the grandmothers in Argentina have taken legal action, Canada has had a lot of press coverage and politicians there are calling for an inquiry, and Korea has put the Australian government on notice because of Korean babies being placed on the international adoptions stage.

8. International Law - The Convention of Genocide Act 1949

Article 2

1. ALTHOUGH it may not have been the intention to kill a Mother or her child the clean break was a failure that led to many deaths. Origins cannot produce precise figures of suicides however the act of severing the existing bond between a mother and her child surely shows the intent to kill the soul by telling a Mother her child was dead by denying a Mother her right to see hear touch her baby, equated to a nine month abortion therefore effectively killing her child.
2. BODILY or mental harm^{ix}
3. THE very act of marking a file to alert labour ward staff that the baby was to be withheld from its mother shows intent to inflict mental harm.^{x ?}



- a. The forced removal of a baby from its mother and inflicting lactation suppressants showed the intent to inflict upon family group destruction in whole or part^{xi} add Genocide Convention Act
- b. PREVENT birth imposing measures by sterilization on a Mother after delivery and her child whilst carrying out experimentations whilst in the care of Foundling homes and adoptive parents.^{xii}
- c. TRANSFERRING from one group to another.^{xiii}

9. Degeneracy of women – and calls for rehabilitation

Attitudes to the single Mother changed post world war 11

The pregnant single adoption had been created in law as a solution to primarily providing for a homeless child. Instead it became the desperate response for infertile couples seeking a family. By taking an unwed mothers child through social ignominy both the unwed mother and her family who also had been shamed for an unacceptable pregnancy ensured both she and her baby became prey, and simply put the professionals *created a reality* for what their perceived seed of poverty. Moreover Judgmental attitudes reflected the push for social cleansing

10. Commonwealth Crimes Act

Why the Church the Medical profession and Governments were complicit with unlawful and in many cases forced removal of babies and resorted to commit crimes of Abduction.

The solution devised by the ASSWA to the ‘problem’ – the moral offence caused by ‘illegitimacy and ex-nuptial pregnancy was cruel dehumanizing and never can be justified or reconciled.



Just as Japan continues to experience and grieves the effects upon innocent people fallout from nuclear bombs dropped on Hiroshima and Nagasaki at the conclusion of WW11 mother's 50 years later continue to grieve for the unconscionable behaviour of people who should have be advocating on behalf of the downtrodden and oppressed not expressing moral superiority and devising punitive unlawful resolutions.

The 'problem' – the moral offence caused by 'illegitimacy and ex-nuptial pregnant sources of disgrace and scandal had a neat solution' - 'Adoption' - 'which provided at the same time for the needs of infertile couples.' (Former Social worker for the Catholic Adoption Agency, extracted from her article, "Adoption in the 80s"^{xiv}

In 1967 spokeswoman for the Australian Association of Social Workers – the peak training body of the social work profession^{xv} – described the “ultimate objective of Adoption” as follows:

“The Social workers concern is with childlessness or infertility, but the particular area of competence is, not in its treatment, but in assessment or resolution of the effects on the marital relationship of the couple...The ultimate objective of Adoption is such a planned change, through helping to make a family where before one did not exist...But before the placement can be made there are other minor or contributory changes in the social functioning of various individuals where the social worker's part is well defined...and that is...The natural parents must resolve, if possible, conflicts about the surrender of the child.”

Neither the unwed nor their offspring – ‘various individuals’ – nor the childless married couple defined family.^{xvi}



In 1956, Reid expressed an identical view at a national convention of social workers in America, when he stated:

'The concept that the unmarried mother and her child constitute a family is to me unsupportable. There is no family in any real sense of the word.'

11. Almoners and Social Workers

- Their failure to provide equal medical assistance to unmarried mothers.

Public hospitals employed an Almoner to provide advocacy and for the services of dispensing any information for financial assistance, the duration of this course was sometimes 1 week or ten days.

In the 1960s Social workers took over the role of Almoners, problematic to this was the Education system itself. Melbourne University provided comprehensive training but it was an era when the interdisciplinary was centered on Eugenics and a prevailing mindset was contemptuous of single mothers and regarding both her and her offspring as being feeble minded rejected the possibility of single mothers raising their own infant. However governments funding services conjectured fiscal hardship would burden the public purse.

This was the environment that secrecy and shame was compounded by a single girls being marginalised. When a single mother presented at her first anti natal appointment she was directed to the social worker who assessed her position. If a mother to be had concealed her pregnancy from her parents it would be highly likely she would need support to raise her new family.



Very often a mother was discharged from her work therefore she was unemployed. She would be transferred to an unmarried mother's home to carry out domestic duties in return for her board and keep. Sometimes a Mother would be dispatched to a wealthy family be a nanny and assist with home duties without pay. Vulnerable she was subjected to indoctrination that disenfranchised her from her maternity and from even believing she had a right to her baby, instead being told that if she loved her baby she would place the baby for adoption. When she presented in labour she was a lamb being led to the slaughter, because at the social workers instructions her file was marked A or BFA (Baby for Adoption) This was illegal and apart from showing intent to deprive a mother from eye contact with her baby in many cases her baby altogether. Popular conviction held bonding took place post-partum.

In other cases a Mother was drugged or knocked unconscious with nitrous oxide to assist staff to remove the infant with no fuss.^{xvii}

As adoption came to be accepted as the solution to infertility hospital staff felt validated in taking a baby from an unmarried mother, in some cases telling her that her baby was dead and placing the baby to an alien breast of a woman who had just delivered a still born baby, termed Rapid adoption this was a preferred method until the proclamation of the 1964 Act. Adoption is a social construct and a created reality. In other circumstance all involved in the adoption practice would be treated for a delusion, but in adoption the medical profession devised it as a means of providing solutions.

A single mother could ignore she had a maternity; a child conceived out of wedlock could pretend that it had a family. An infertile married couple confused themselves that they had a family of their own as if born to them in wedlock; however this neat



solution well known as the adoption triangle was flawed, not standing alone it relied upon the fabric of society to accomplish the embellishment fashioned by the medical professionals treating infertile couples they too needed to deny mothers identity as the true mothers of their own children.

Denial of their maternity has imposed mental and psychological dissociation from the whole experience of what should be the most precious and enjoyable time in a women's life, instead these women's babies were donated for most part to married couples deemed more deserving and more suitable.

The life time of mental trauma was imposed upon Mothers and their infant from the very beginning when at the actual birth; practices were adopted in most hospitals to prevent any bonding between the mother and her child as follows;

- 1) Denying mothers the full knowledge of their legal rights and options.
- 2) Failing to provide the information in writing and -or failing to establish if the mother is fully cognizant of her rights and options. This is particularly important with women who have literacy difficulties.
- 3) Inappropriate use of drugs before and after the birth to induce a state of compliance to take the consent
- 4) Dangerous levels of nitrous oxide administered
- 5) The placement of pillows, on the mothers chest to prevent eye contact with her infant
- 6) Mother's hands shackled to the side of the bed during and post labour
- 7) By replacing the parents legal right to guardian ship of their child
- 8) Unbeknownst to the Mother , her file marked BFA to signify to staff that the baby was to be removed mostly before she had expelled the placenta



This practice contravened the law as these mothers were to be treated no differently to any other mother who presented in labour. She was to make the decision to relinquish her baby only after delivery and without any duress being placed upon her the law did not specify the source of duress, clearly many professionals seemed to be oblivious of this, feeling justified in punishing unwed mothers for offending against the mores.^{xviii}

The NSW inquiry Standing Committee into past adoption practices established that to remove a baby and when a mother requested its return was denied constituted abduction or unlawful removal.^{xix}

In his book titled Clark Vincent 1961^{xx}, he predicted that very scenario" *it is quite possible that, in the near future, unwed mothers will be "punished" by having their children taken from them right after birth. A policy like this would not be executed -- nor labelled explicitly -- as "punishment."*^{xxi} After the proclamation of the 1964 act they dared not continue with rapid adoption because the Mother may not have signed consent.^{xxii}

12. Psychological Impacts Wendy Jacobs paper her

'Imagine this sentence of silence.

The impact of these assaults has affected women in different ways. Some have resorted to total denial of the experience, never admitting to their children or in some cases even their husbands that they lost a child to adoption. **45%Never had another baby.**



"M" has told Origins how Professor [redacted] informed her that previous to her being administered Depo-Provera whilst incarcerated in Winlaton detention centre for girls, her reproductive system had been butchered. Marion did not have another baby. "M" was raped at the age of 16 resulting in her conceiving her son. Immediately after the birth she was placed in a special care unit because of infected blood, administered during the birth.

Upon her return to "Kedish" unmarried mothers home in Stevenson St Kew, a fracas broke out when she demanded the return of her baby, but when [redacted], Matron [redacted] refused to return "M's" baby. "M" pushed her and this led to her subsequent placement in care. Charged with being an uncontrollable child she was made a *Ward of the State* and it was whilst she was incarcerated in Winlaton that the above drug was administered to her, which contravened the Genocide Convention.^{xxiii}

Denied the right to grieve the child many did not even see, Mothers were instructed to get on with their lives to forget about the baby, instead told that "*one day they would wed and have a baby of their own.*" This did not happen 45% of mothers were so damaged; they never had a baby of their own. These women living their lives in total disassociation from the subject are inconsolable.

One Mother reported she only fell short from jumping off the tallest building because her treating psychiatrist Dr Geoffrey Rickarby made the connection between what she was suffering and her mental condition with the original separation.^{xxiv} Mothers were told one day you will marry and have a baby of your own as if this baby was not theirs!



A comprehensive amount of mothers were in a long term relationship, some of these had already made firm plans for marriage however there was an restriction incumbent to their marriage at the time of the birth of their child . Women have reported they were awaiting a finalization of a previous marriage which could take years prior to the present family law act.^{xxv}

13. Debunking the Myth of *No Pension* and replacing it with *Special Benefits*

Were available and are discussed in documents from the Queen Victoria Hospital, Almoner Department report 1946. “The public’s attitude to the unmarried mother has changed during the war years, and many have been able to stay with their families or friends. For them Sickness benefit payments have been of great assistance in the weeks of incapacity prior to their admission, and of special benefit to those girls who kept their babies and could nurse them for three months instead of weaning them a few weeks after discharge, so that they might return to work.”^{xxvi}

Miss. P Jackson^{xxvii} wrote in her 1947 report that there had *“been a marked increase in the number of single girls attending the Anti-Natal Clinic”* (140 compared to 92 the previous year)... *who were assisted with benefits... The result has been to add to the work of the Department, for now it is we, not the Homes, who have to find suitable accommodation and work, apply for Government allowances and arrange for the adoption or care for the babies in Homes or Crèches”*.

In 1941 the introduction of an unmarried wives benefit had been a source of moral outrage, leading to the council of churches feeling obliged to lodge a written objection to the Prime Minister Mr. Robert Menzies and caution him to the veritable risk of depravity overtaking the moral fibre of society. However the Commonwealth



government had supported unmarried wives of personal of the Armed forces during both world wars.^{xxviii}

In 1963, it is noted in the Victorian Social Welfare Department Annual report in the Family Assistance Section that applications made under Part V of the Children's Welfare Act provided support for the person having care or custody of a child without sufficient means of support and no legal proceedings available to obtain support "could apply to the director general for a weekly sum to be paid towards the child's maintenance."^{xxix}

In 1969, the Director-General of Social Welfare (Victoria) recommended that the Commonwealth Department of Social Services accept full responsibility for all money payments including pensions and benefits to a number of demographics including unmarried mothers^{xxx} In 1973, the Whitlam government introduced the 'Supporting Mother's Benefit.' It was available to unmarried mothers including deserted de facto wives, de facto wives of incarcerated men, to married women not living with their spouse and to women separated from their partners provided they have care of their children. Any woman receiving the benefit was eligible to participate in vocational training schemes initially created for widows. The Benefit had 'a', 'b' and 'c' categories with three tiers of payment with an additional sum added for each dependent child. It was a basic income which provided a subsistence living for a mother and child.

In 1971, the Director-General's report from the Department of Social services stated that Special benefits were current for 504 men and 3571 women. "...slightly more than two-thirds of the woman were under 25 years, the majority having been in receipt of benefit for less than two months. The bulk of these women were



unmarried mothers.”^{xxxii} Other sources who corroborate our argument that government benefits and payments were available to unmarried mothers are D.E. Franklin^{xxxii} and T.H Kewley.^{xxxiii}

14. Duress

If a child has been unlawfully removed and a mother requested her legal rights for the return of her child and was denied her baby then it is spurious to suggest she can sign a document that states she is consenting to give away what she has never had. She cannot in law commit an offence against herself.

The Law did not state the source of duress the law invalidated consent to adoption if taken under duress. Drugs were used to gain consent to adoption in particular the Chelmsford deep sleep therapy cocktail where a mother was woken to sign consent many of these mothers have no memory of the birthing process or what transpired afterward. They did not see their baby others were threatened with the father being jailed for carnal knowledge or worse told their baby was dead. These were drugged also and in a drugged state thought they were signing a death certificate.^{xxxiv}

Other mothers conceded to social workers demands because they had been disenfranchised and see their baby was conditional to their seeing their baby once or being discharged.

One Mother was carted off to a local Psychiatric hospital because she became so distressed when not given her baby, one minor reported being further incarcerated in a hostel juvenile for girls and made a ward of the state because she was hysterical, and refused to sign a consent for her little baby boy to be adopted attachments.^{xxxv}



A Commonwealth Australian Capital Territory Ordinance legislated to protect the rights of citizens of Australia, over road a State act. Gough Whitlam pushed for the Commonwealth Marriage Bill that was passed in 1959 to overcome unlawful removal of babies being transferred from State to State because they were being hidden from welfare agencies and natural mothers.... State governments were legally obliged to comply with the legal implications legitimization of babies

15. A Commonwealth A.C.T. Ordinance legislated to protect the rights of citizens of Australia and over road a State act.

In 1959 A Commonwealth Marriage Bill was passed, lobbied for by Gough Whitlam to subjugate unlawful removal of babies being transferred from State to state because they were being hidden from welfare agencies and natural mothers, and eventually led to the proclamation of the 1961 Commonwealth Marriage Act the State governments were legally obliged to comply with legitimization of babies.^{xxxvi}

Violation of the NSW Adoption Act meant an adoption to be invalid, because babies were being removed from the Territories and placed for adoption in other States *where their adoptions were not regarded to be legal*. Previous to the Commonwealth intervention babies were held until a NSW child welfare worker travelled to Canberra and brought the infant to Sydney for the adoption process. It was for this reason The Commonwealth introduced into the 1941 Commonwealth Australian Capital Territory Ordinance an Adoption Act that eventually led to a national uniform act.

Judges making adoption orders in accordance with State Adoption Acts were required to comply with The ACT Commonwealths Ordinance. The Australian Capital Territory did not become a self-regulatory government until 1981



16. The Role of Guardian Ad Litem

A Judge signing an adoption order relied upon the necessary witness statements of Guardian Ad Litem's being truthful documents as prescribed in rules 21 and 22 of the adoption of children Rules. The Guardian ad Litem's role was to establish adoption to be in the best interest of the child, this was our law, and later Australia would become a signatory to the Hague convention. Guardians were either lazy people or they felt they had a legal right to redefine the meaning of "best interest of the child" No Mother I have met was approached by the Guardian ad Litem and if they had they would have established the dishonesty of people taking the instruments of consent.

17. Social workers cautioned against failure of their Fiduciary Duty

The Victorian 1964 Adoption Act required authorities wait 5 days before taking consent, prior to its commencement, consent could be taken as soon as the infant was delivered.

Whilst addressing the 9th *National Conference Proceedings Australian Association of Social Workers in SA 1965* Mary Lewis^{xxxvii} warned of the *Mothers inalienable right to be treated the same as any other mother when she presented to deliver her baby.* She went on to say that a *single mother had the right to hold feed **and decide for herself what was in the best interest for her baby.***^{xxxviii}

The literature of adoption professionals (even during the peak adoption period) almost unanimously called for the legal rights of the mother and by effect, the child to be upheld. *"In order that adoption practice be child-centered, it must, therefore, commence by being focused on the natural parents, because, as we all know, the*



experiences of these people—especially the mother—will have great bearing on the subsequent life of the child.”^{xxix} However, in practice these expectations failed.

- Fathers parental rights and legal obligations were blatantly negated by social workers included taking all measures for him to assume his financial responsibility for his child, his name was removed from the instrument to register their baby, most decisively he was to give his signed consent to the adoption of his child a Principle Officer was to be invited to the party **ONLY** when the father had the abandoned the mother and his child.
- A social workers was to assist a mother to make application for a maintenance order
- A Social worker was to provide a layette for the baby
- A Social worker was to make application for the prescribed benefits for the mother to provide for her infant.
- A Social worker was to inform a mother of temporary foster care.
- Social worker duties included advising a mother of a priority list for public housing.
- A mother was to be treated no differently to any other mother who presented in labour
- DES was administered to prevent lactation and this too showed intent because as previously stated a mother was not to make a decision regarding adoption of her Infant until after the birth.
- Her baby was to be given to her to nurse, and to give complete care to HER baby.
- Social workers duties included advocating on behalf of her client (that is a mother) was to inform her of crèche or private homecare.
- Adoption was not to be advocated because of known dire and life time effects upon a mother.



- Adoption was not to be offered to her because of known psychological effects upon her child (stemming from rejection from its mother of origin, because contrary to the notion of a clean break theory bonding had taken place in utero.^{xi}

In 1967 spokeswoman for the Australian Association of Social Workers – the peak training body of the social work profession – Mary McClelland^{xii} described the “ultimate objective of Adoption” as;

“The Social workers concern is with childlessness or infertility, but the particular area of competence is, not in its treatment, but in assessment or resolution of the effects on the marital relationship of the couple...The ultimate objective of Adoption is such a planned change, through helping to make a family where before one did not exist...But before the placement can be made there are other minor or contributory changes in the social functioning of various individuals where the social worker's part is well defined...and that is...The natural parents must resolve, if possible, conflicts about the surrender of the child.”

“These practices had much to do with the institutional manner in which adoption was carried out. In reality, a concerned social worker could advocate their fears and concerns and some of these are recorded in professional journals but mostly too little avail. It was only when the litany of concerns became an avalanche of literature that concerns were acknowledged in policy making circles”.^{xiii}

“The 'problem' – the moral offence caused by 'illegitimacy and ex-nuptial pregnancy...sources of disgrace and scandal (had) a neat solution' - 'Adoption' - 'which provided at the same time for the needs of infertile couples.' (Former



Social worker for the Catholic Adoption Agency extracted from her article, "Adoption in the 80s)."^{xliii}

According to McClelland^{xliv}, neither the unwed nor their offspring – ‘neither various individuals’ – nor the childless married couple defined family.

In 1956, Reid^{xlv} expressed an identical view at a national convention of social workers in America, when he stated: ‘The concept that the unmarried mother and her child constitute a family is to me unsupportable. There is no family in any real sense of;

18. Fathers and their Rights disregarded

- were hidden and their parental rights and obligations negated
- Fathers legal obligations included taking financial responsibility for his child .
- A Father’s name was to be documented on the application to register their baby
- A Father was to give his signed consent to the adoption of his child.

The 1964 Act introduced a Principle Officer it reinforced a duplicitous and covert means of deceiving a mother because she was entitled to revoke her consent until the adoption order was signed. Adjunct to mother’s rights being hidden the introduction of the new Act gave social workers a self-appointed power to remove without impunity the father’s names from applications to register the birth of his child, however the Maintenance act still stood and a fathers fiscal obligations and legal rights continued to take precedence.

In 1967 Mary McClelland a guest speaker at an adoption seminar held in Sydney University whilst expressing concern for the Father stressed the fact that “*natural*



parents had rights” and that “the help given by social workers here in Australia has not been extended to the Father” Most mothers report the father’s name and details were either not recorded or even deleted and fraudulent facts were certified in applications by solicitors and social workers to register our babies births.

The father was a parent and required to sign consent to adoption. However the introduction of a principle officer gave an alternative in the unusual circumstance that the father was “unknown”. In reality Social workers with another agenda took advantage of the juncture and withheld information advising mothers of their right to seek maintenance for her child.

Adoptions workers repeatedly voiced concern within the social work peers group but it did not change the experiences of the mothers locked into a prevailing culture that sought to provide their babies for infertile couples.

During 1965 cautioned social workers to be aware of their legal responsibilities to a mother?^{xlvi}

reinforced the legal rights of single mothers; conversely she ignored her own censure and took babies.^{xlvii} The same year at second National Adoption Conference 1972, rebuked professionals as to the ways they were breaching a mothers legal rights.



An anticipated and proposed 1964 Adoption of children act by Rupert Hamer as a model Act and worthy to be uniform legislature did nothing to prevent the hospital practices of removing a baby before a mother had expelled the placenta

In a Commonwealth annual report tabled in Parliament in 1964 Esther Phillips validated the notion that past adoption as being adoptive parents centered. Concerned about having to return to the mother of origin to gain permission for medical treatment she wrote ‘that one of the difficulties under the 1958 act is that the child unless a ward of the state , remains under the nominal guardianship of its parents until an adoption order is signed”

Origins fail to see a problem with having to gain consent for medical treatment of her child if a mother freely and truthfully gave her informed consent for the adoption of her child in the first instance.

In her memoirs Sarah Hamilton Burns relates her life growing up in the care of Anne Hamilton Byrne she states the Social worker, _____ passed her over to Hamilton-Byrne^{xlix}. Sarah Moore as she is now known is clear that her mother of Origin was told by _____ her baby died. _____ later committed suicide his receptionist _____ was the sister of Matron _____ already cited in this Submission, *see Marion Bell case*, _____, was a consent taker for the Catholic Welfare Bureau until she accepted a role in IVF at the RWH Melbourne in 2003.

However to a hard conditioned mind set it required legal intervention to evoke action. 30 years too late the circulars went out when the Commonwealth Health Minister disseminated a circular forbidding the practice of removing babies, that the industry stood up and took notice.



Attached as an end note to a 1982 New South Wales Hospital Circular concerning the legal rights of a mother under the conditions of having a child proposed for adoption, the author, Dr. J. Friendⁱ felt the need to define and separate children born outside marriage.

Beyond the concerns and practical questions raised in this literature, is a culture of self-congratulations. This was brought into question by Maev O'Collinsⁱⁱ in her review of *Parents, Children and Adoption* written by Jane Rowe. O'Collins said: *"...it is disappointing to find, in a book which sets out to be a textbook for adoption workers, that the wordy descriptive passages so often leave one with a kindly, vague shadow of the benevolent worker, rather than a clear guide to be followed"*.ⁱⁱⁱ

Even then, if the protocols were changed the employees of the institutions were doing business as usual. Although the rhetoric of a hospital usually claims the duty of care to a patient, the reality is that social workers perceived they had a more pressing duty to infertile couples.ⁱⁱⁱⁱ

The literature provides many examples of adoption professionals making statements of concern about the failure of institutions to uphold the legal rights of the mothers, in 1960 whilst addressing his colleagues in the medical profession D.F. Lawson^{iv}, the chief obstetrician at the Royal Women's Hospital, considered legislation to be of negligible worth.

"The prospect of the unmarried girl or her family adequately caring for a child and giving it a normal environment and upbringing is so small that I believe for practical purposes it can be ignored. I believe that in all such cases the obstetrician should urge that the child should be adopted. In recommending that a particular child is fit



for adoption, we tend to err on the side of over-cautiousness. "When in doubt don't" is part of the wisdom of living; but over adoptions I would suggest "when in doubt, do", should be the rule."^{lv}

Although the peer reviewed journals featured a continuous supply of articles concerned with the legal rights of the mother, unless there was reason to change behaviors due to threats or legal action, ultimately on the floor of the hospital or adoption agency, the primary concerns were orientated to the administration of the institution or those of the potential adopters. The mother and child were secondary.

The following extract serves to highlight the level of contempt with which they held Mothers *"When you see a single girl who is pregnant, I think there are two questions to ask: "Do you love him?" "Can you marry him?" If the answer to both is "yes", you urge the girl to get married. I think it is wrong to marry for no other reason than it makes the birth legitimate. Those who live by the sword perish by the sword. Those marry with a shotgun are inclined to find the marriage dissolved by the shotgun."*^{lvi}

His attitude toward mothers and their babies reflected a contempt that even exists with some adoption workers today. *"Heredity is important; but everything we hear from child health specialists tells us how important the right environment for normal mental and social development is".*

To them environment is almost everything, and I believe that a good environment will do a better job of bad genes than a bad environment will make of good genes. When you walk through the nurseries, you will know that some babies are hungry, some will have a belly-ache, but none of you imagine that they are stuffed full of original sin- the way they are cuddled and kissed as they are carried to their mothers



makes this obvious. It is the environment which pushes the sinfulness into these babies. Adoption brings joy to the adopting parents and makes the prospect of a better life to the child, and makes the life of the mother much easier. Often experience matures the mother, and I have seen many happily-adjusted women who have had a child out of wedlock.^{lvii}

Don Lawson went on to say *“All of you here belong to some club or another—the British Medical Association, the Royal College of Nursing, golf clubs, tennis clubs—and you all know that if you do not behave properly you can be thrown out. If you belong to a bowling club, you cannot trample the green with hobnail boots; but you can trample on the face of anything that is decent and proper and because of something called the sacred rights of parents, you can never be thrown out of the parents’ club.*

There are many welfare and fondling homes full of neglected children. To have children is to assume an obligation and to create the opportunity of rearing good people. When parents continuously neglect their obligations, should not they be deprived of their rights?”

“I believe that if parents have neglected their children, for a time and in a manner which could be specified, the children should be available for adoption. I know it true that the younger a child is when he is adopted into a family, the more likely the adoption to be successful; but it is better to start a family late than not at all”.

“The last thing an obstetrician might concern himself with is the law in regard to adoption”.



The above is an extract from Australian medical journal Featherstone Lecture where Don Lawson expounded his personal contemptible opinions to be above the law and advocated that his colleagues in the medical profession do the same.

Matron Lawson^{lviii} RWH was equally benign she instructed her staff when dealing with a single Mother not to acknowledge the foetus growing in a single mothers womb but to always refer to “*the lump and direct her to believe her lump would be removed*”.^{lix}

In the culture of misogynistic hatred of a single mother it was presumed that a woman contrived a pregnancy by herself and unless married she would be a burden to society and the father, who may have raped her, he may have misled her into thinking he intended to marry her, he may have been already been married and was paying maintenance for an existing family or as Origins is aware in many cases he may have been committed to the relationship. Made invisible by a culture of adoption, never the less he was exonerated from his financial commitment to his new family.

It is important to stress that whilst there is a plethora of individual stories surrounding the conception and abduction her baby the outcome was the same, that is instead of advocacy, she, and her family (Baby) was dammed to interference as a marked woman,

***The term “punitive father”** – a term used by adoption professionals and social workers that suggests that the mothers do not know who the sire of their child is, or perhaps suggests that the woman is lying or had some any sexual partners that she could not know the paternity of the child. It is a term that was used even what the*



mother did name the father with absolute certainty. The mother did not know her own mind? Or did this phrase render privacy or immunity to prosecution for the father, especially when the woman was a minor.

The term “mother” is used throughout since the majority of babies adopted are conceived and carried by single mothers most of adoption consents are signed by single mothers. The statements made should be taken to apply to the mother and father in the case of a legitimate child.”^{ix}

Language has been a major issue of contention inside the area of adoption literature. Each group and author has their preferences.^{lxi} The term “Birth Mother” is illogical and has long been an item of contention within our organization.

We are the mothers of our children in all aspects of the word.^{lxii}

Those who adopted our children are not their biological parents and justify a descriptor in front of their use of the title mother. We find they are best described as the “Adoptive Mother” or the “Adoptive Father.” is a powerful tool and a weapon the adoption industry did not hesitate to use in order to disenfranchise a mother.

19. Depersonalization

Depersonalization began in an unmarried mothers home where in many cases mothers report authorities changed a Mothers name and her baby was termed as “The baby” .The very people who should have been advocating for the best interest of a mother and her child used fear of her child being ostracised because of it being “illegitimate” or worse “bastard” to gain the consent Birth Mother is contentious to Mothers, it is insulting and devalues a single mother and reduces her and her family as a breeder.



Interference came from parents, social workers, and medical professionals who were politically committed to providing a family to an *infertile* couple.

Having been marginalized a mother was then disenfranchised from her own baby. Unbeknown to the Mother the labour ward staff was alerted to their role in the abduction because her medical file was marked "A" BFA"(baby for adoption).By the time she presented in labour she had not only been deemed unfit, now she also believed she was incapable, some hospitals even marked files "socially cleared" upon discharge.

This was a stamp used to clear a person who presented with STD not to someone who just gave birth to her first baby. As she lay completely vulnerable the placenta not yet expelled her baby was removed, presumed to belong to another and this was the punishment that was metered to rehabilitate her from her wanton ways. Rather than giving her support the profession compounded the problem with a solution that reinforced her sense of guilt by telling her that if she loved her baby she would place her baby into the care of a *barren* married couple!

Mrs Alfred Deakin, the wife of the Prime Minister of the Commonwealth, while in England recently, contributed the following article under the above heading to "Good Words "

I am president of the Sutherland" Home (Victoria) Neglected Children Society, We take the babies from birth and find-situations and work for the mothers. When the children are old enough, we either board them out or arrange their adoption. I believe that the principal cause of' all our saddest cases of destitute women and children lies in the 'fact' that the mother is feeble-minded and not bad. 'The fault lies,



'of course, in lack of 'early training and the ignorance of mothers who throw their girls on the sea of life 'without the proper preparation. The children of such badly brought-up girls in their turn are feeble-minded, and require very careful treatment, both physical and mental. Wonders can 'be worked 'in their training”^{lxiii}

Incarceration and Social isolation had taken a hit on her financial abilities; information to assist her make a fully informed decision was deliberately withheld. Her baby was given into perpetuity to a couple in a Court Of Law yet she was not invited to be present at what was to affect with such dire consequences until her dying day. The adoption order was heard in camera.

We are dealing with the issue of the forced separation of family members. A child legally deprived of its mother, father and kin - a mother, father and kin deprived of their child/family member. These people are alive. These people are only 'socially dead'. There can be social resurrection through awareness of the violation of human rights which the institution of adoption is. All people involved in the abduction of babies of a single parent have to be held accountable as they destroyed the existing family.^{lxiv}

Although the peer reviewed journals featured a continuous supply of articles concerned with the legal rights of the mother, unless there was reason to change behaviors due to threats or legal action, ultimately on the floor of the hospital or adoption agency, the primary concerns were orientated to the administration of the institution or those of the potential adopters. The mother and child were secondary Adoption Origins Victoria understands the psychological milieu of adoption practices as a created reality:



20. Created Reality

“Adoption is a created reality, a delusion. It requires an unmarried pregnant girl to deny that she has had a maternity, her child must accept strangers as their mother and father of origin and the infertile couple has to believe they have had a child of their own as if born to them in wedlock.” This notion of bizarre thought is confirmed by Kate Inglis^{lxv}, “The value of birth is maintained in adoption where quite obviously a birth did not take place. In this way adoption is paradoxical. It seeks to mimic the family form derived from biological ties but, in order to do so, defines the biological tie that necessarily pre-exists as having no power or meaning. The legal expunging of all available records of this tie is part of the process of extinguishing the relinquishing parent’s rights. The paradox is that the bond of nature is sufficiently valued for all that concerns the child, except the actual birth, to be reconstructed socially.

A new ‘birth’ certificate is issued, naming the child as the child of its social parents. The original birth certificate is marked as ‘superseded’ and filed away. This is a legal fiction. There can only be one birth. The perceptions of the mother, father and child are invalidated and dismissed. An alternative perception of reality is imposed by social workers, adoption workers prospective and approved by order adopters.

Adoption Origins Victoria recognizes the institutional history of Foundling Homes. We recognize ourselves as being incarcerated in those institutions, being seen as inmates by their employees and having experienced the culture of being hidden. We understand that through the language and culture of those institutions we were perceived as being persons warranting rehabilitation. Whether this rehabilitation was intended to degrade us or not – the notion of being seen as warranting rehabilitation was and remains offensive.



This was part of the delusional culture of adoption foisted upon us.

For our children, the historical institutions of church, law and marriage have imposed a stigma, illegitimacy. *The Children Equality of Status Act 1976* legally concluded a long period of time where a child born out of wedlock was originally considered illegitimate, now legitimated – retrospective. The purpose of this act was intended to address some of the inequalities of the child and to create new legal relationships, especially with the father.

This status carried with it considerable social and legal disadvantage. It is interesting that the authors of “The Many-Sided Triangle” note; “It may be that there is some analogy between this ancient phrase and ‘terra nullius’, used in the context of Aboriginal land claims. Both deny the way the world is.”^{lxvi}

The child was made “legitimate” through the marriage of the adopting parents.^{lxvii} However many couples having conceived prior to the delivery married soon after however their baby/family continued to be withheld many told it was too late when the registers were opened and people accessed their records they began to digest the lies. This process of terrible pain took nearly a decade for Mothers who had psychologically and emotionally disassociated themselves from the trauma surrounding the birth of their first infant to un-package.

The rhetoric of the Bracks/Brumby governments has proven paradoxically juxtaposed to its promise of transparency. Origins ask why it became complicit with the past.



21. The Anne Hamilton Byrne Family/Cult

Top lawyer being probed for misconduct



Anne Hamilton-Byrne with husband William in 1993.

Photo: *John Woudstra*

April 28, 2008

A PROMINENT ALP-linked solicitor who chairs Victoria Legal Aid is under investigation over allegations of professional misconduct and failing to inform a client of his work for the leader of a notorious religious sect.

Victoria's Legal Services Commissioner, Victoria Marles, is believed to be investigating allegations that Williams Winter solicitor John Howie wrongly transferred land titles relating to a client's multimillion-dollar CBD property.

Mr Howie also faces questions about his relationship with The Family religious sect following his decision to represent its founder, Anne Hamilton-Byrne, in a Supreme Court civil case brought last year by her granddaughter, Rebecca Cook-Hamilton.



Mr Howie has strong ALP connections in Victoria and has been appointed by various state government ministers as chairman of taxpayer-funded agencies such as Film Victoria, Vic Sport and Victoria Legal Aid.

He also serves on the boards of the Department of Justice's Legal Fees and Costs Reimbursement Committee, Melbourne & Olympic Parks Trust, Vic Health and the La Trobe University law school.

Mr Howie told *The Age* he could not comment on the misconduct allegations against him by the client, Moscow-based journalist and academic John Helmer, because they were subject to an investigation by the "appropriate authority".

A spokeswoman for the Legal Services Commissioner said she could not comment on individual investigations for privacy reasons.

Mr Howie told *The Age* his relationship with Mrs Hamilton-Byrne and her group was "purely professional". It is believed Mr Howie's previous firm, Lethlean, Howie & Maher, had acted for Mrs Hamilton-Byrne's husband, William Hamilton-Byrne, in the 1980s.

The couple made headlines in Victoria in the 1980s and 1990s by claiming children born to followers as their own, dying their hair blond and forcing them to smile in public.

Police raided the sect's Eildon property in 1987 and several children were removed. No child abuse charges have been laid against Mrs Hamilton-Byrne or her late husband.

In recent years, former child members of The Family have filed civil suits in the Supreme Court, alleging abuse, beatings and food and sleep deprivation.



The only conviction recorded against Mrs Hamilton-Byrne, who is in her 80s and lives at the sect's compound in Olinda, was in 1994 for falsely declaring three children were her natural triplets.

The Age believes Ms Marles is investigating a complaint alleging Mr Howie deliberately or negligently relied on a false document in 2003 to effect a land title transfer that wrongly removed Dr Helmer's rights to a half-share of a \$5.5 million Swanston Street property

Adoption Origins requires the Victorian Government to be called to accountability. Because of a superfluity of questions left unanswered. In 1999 the Bracks government went to the election with a full inquiry into past adoption practices as its Social Welfare and ALP Women's policy. However when the James Jenkinson^{lxviii} report validating Adoption Origins Vic claims was released to the Premier's Department instead of an inquiry the government offered Adoption Origins an alternative substitute that was an insult to a Mother her child and their experience.

Furthermore _____ was deposed to the backbench for refusing to accept the offer of what amounted to an academic exercise.^{lxix}

It is important to note that in order to save lives the Kennett government initiated a policy of supervised monitoring of chroming, a habit carried out by young homeless people. The Bracks government used the pathetic excuse and publicly berated _____ holding her responsible for the policy of supervised chroming to unseat her.



The following Minister, _____ called off the inquiry into past *crimes* in adoption.

This was an extraordinary turn of events as the inquiry into past adoption practices was established as ALP policy^{lxx} and further policy^{lxxi}

Unclear and devastated with the execution of such significant inquiry Adoption Origins Vic made application and received the following information after under FOI.

After _____ was stood down _____ lead a delegation of ARMs mothers to Minister _____ office to offer an alternative or as previously termed an *academic exercise* that would effectively cover up the past adoption practices and bury them in the Community services archives forever!

_____ continued the camouflage by “dishonestly” claiming there had already been an inquiry in 1983.

This was untrue although there was an isolated referral to an inquiry there had been an ADOPTION LEGISLATION REVIEW COMMITTEE it released a report in March 1983 but the register had not been opened therefore the crimes that Origins Vic was claiming had not been uncovered or addressed and she knew our claims to be true .

In Victoria ARM’s (Association relinquishing Mothers) continues to deny unlawful removal of babies and the taking of fraudulent consents.^{lxxii}



22. Records Destruction

The Kennett Government was also guilty of being complicit in the crimes of the past Dr Napthine refused an inquiry instead in 1998 the Kennett Government legislated for the General Disposal Schedule for Public Hospital Patient Information Records.^{lxxiii}

Conversely in 1992 NSW legislated for an adoption information Act. This gave a mother access to all her medical records, drug sheets, and her infants nursery notes, this assisted in the healing process by allowing a Mother to slowly regain her deeply buried memory of a time in her life as she struggled to regain her reality of what transpired in the hospital when they took her baby and her sense of personal decency denied her when she was forced to carry the shame of a cruel and patriarchal society. These records show that adoptive parents were furnished with a Mothers legal nursery notes establishing the baby to be social cleared of congenital infection i.e. STD^{lxxiv}

23. The Victorian adoption legislation in 2011 continues to forbid a mother equal opportunity to access identifying information

As previously mentioned the 1985 adoption legislation Review which preceded the 1984 adoption Act was also a catalyst for the successful lobby to open the records here in Victoria, in turn this would be the precursor to the rest of Australia obtaining their records. However in Victoria only there was a stipulation that a Mother could not receive identifying information regarding her child/children lost to adoption.

Origins has relentlessly pursued a logical reason to why a mother was discriminated against, when for decades adoptive families knew her identity, and the current legislation disenfranchises her right of identifying information of the child she



carried and birthed. Origins Vic has relentlessly requested answers to this blatant discrimination the consistent response from Vanish and the adoption industry was to argue that if a mother was given equal rights to identifying information regarding her child *very often forcibly removed at birth*, it would necessitate a Veto similar to other states.

Origins argue that to deprive a mother of 50-80 years of age of identifying information relating to the person she carried and birthed is not only a veto it is cruel. Anecdotal evidence well-known by *those in the know* (former Director of Vanish) have told us that on the eve of the legislative change in Victoria an agreement was struck with parliamentarians to ensure a mother apply through a conduit either in the department of Adoption and Family Records or return to the agency who conducted the adoption of her child.

Origins have attended many funeral services of members who have not known the identity of the child they have grieved for some cases fifty years. Origins have suggested that the Adoption industry consider an alternative may lay in the Family Law Act.

24. General History.

History of adoption in Australia, and, in particular, Victoria

- Key Players in adoption in Victoria. Names of institutions and dates of the opening and closing. Maternity Homes and Fondling Homes.
- The Royal Women's Hospital became an adoption agency in 1929.^{lxxv}



In Australia an estimated 300 000 mothers have lost their children to adoption. Between 1950 and 1970, it is estimated that 150 000 mothers lost their first born, new born children, this number was reduced into the 1980s due to changes in culture and social policy.^{lxxvi}

The first adoption legislation passed in Britain was in 1926, however this was preceded by the *Western Australian Adoption of Children Act 1896*.^{lxxvii} Before the *Victorian Adoption of Children Act* was passed into law in 1928, adoptions were defacto and were arranged by government and non-government organizations or individuals.^{lxxviii}

Later Acts were passed in 1958 and 1964. The 1964 Act has been in force since 1966 and was amended in 1972 and 1974 (by the Status of Children Act 1974). In December 1980, the Adoption of Children (Information) Act was passed resulting in the creation of an Information Register in which adopted children and biological parents might enter their names to seek information or contact.^{lxxix}

There is a specific body of common law regarding adoption.^{lxxx} In Australia adoption is considered a state or territorial matter, each possessing its own legislation: an Adoption of Children Act or Ordinance. The legislation written and passed during the 1960's was based on a model uniform act with the ambition of uniformity. Since, states and territories have modified their legislations resulting in a variety of legislative regimes.

Adoption practices in the 1920's and 30's in Victoria were described as being focused on the interests of the child which was considerable at odds with an impetus to find a way of distributing children from fondling homes or nursery's



which were expensive and overcrowded. Childless couples were given an image of an opportunity to rescue an unfortunate, needy, neglected child through the charitable action of adoption. Adoption professionals actively campaigned prospective parents expending considerable energy in convincing them that it was a “safe” choice.^{lxxxix}

Adoption was slowly accepted due to potential adopter’s fears “that the immorality and other evil tendencies were passed on from the mother to child.”^{lxxxix} In time, prospective parents (married and childless) agreed adoption was “safe” and a considerable numbers of adoptions were the result.

The once popular, rhetoric of “in the interest of the child” quickly became muted replaced with an emphasis on the interests of the adoptive parents.^{lxxxix} E Phillips, an adoption worker from Victoria reflected, “*many would agree that in the past some practice had been applicant-centered with placements being made to meet adopting parents’ needs, ie. to help overcome grief at the loss of a natural child; to help cement a shaky marriage; to provide company a lonely child.*”^{lxxxix}

From this emphasis on adopter satisfaction emerged a culture of prospective parents who demanded “the perfect baby... or as a recent newspaper article called him or her, the “blue ribbon baby” was available in good supply” according to Dr F. Grunseit of the Adoption Advisory Clinic at Prince of Wales Hospital, Randwick.^{lxxxv} The child had become a product.

“Many agencies in this country have illegal, punitive and harmful practices when it comes to a mother’s inalienable right to have contact with her child.”^{lxxxvi}



Maev O'Collins, a social worker employed at the Catholic Family Welfare Bureau at Melbourne wrote in 1966:

"In assessment and placing of children with adoptive applicants we are always looking for their normal capacity for parenthood. Our judgment in many cases is only little better than chance and our ability to assess possible problems must leave a greater margin for error than perhaps any other field of social welfare. However, it is reassuring to note that studies carried out in the USA have shown that trained workers in adoption agencies have significantly better results than independent adoption work..."

Often we are affected by over-crowded nurseries and insufficient couples applying to adopt 'hard to place' children and a growing awareness that delay for the baby can have a damaging effect on his personality that even the best and most understanding couple may not be able to counteract... This may mean that in the 'stress' of the moment we place a child hurriedly, perhaps too soon, perhaps with the wrong couple, perhaps to unsuitable people."^{lxxxvii}

In 1972, after the peak period of adoptions in Australia, Reverend Graeme Gregory, Director of the Methodist Department of Child Care addressed a General Meeting at the Children's Welfare Association of Victoria. He was blunt about the lack of altruism in adoption parents:

"For most of these adoptive parents and also for the community, adoption is the second best to having a family of their own. This is not meant as an unkind judgment, but rather as a realistic approach to adoption motivation. Not many adoptive parents consciously choose adoption as an alternative to having children of



their own. This group of traditional adopters, then, inevitably seeks in the adopted child a biological expression of themselves. They hope the child will 'fit into their family.' They do not want the child to be different... Unconsciously adoptive parents are seeking to have no break in their genealogical line."^{lxxxviii}

"...An adoption agency has the responsibility to only to the placement of children, but also toward, for instance, the childless couple whose needs will no longer be met though adoption if there is a scarcity of infants without problems available for adoption."^{lxxxix}

Rev. Gregory displays no concern for the interests of the mother of these children, once the legal instruments are signed. This is more than likely not the attitude of adoption agencies portrayed to the mothers at the time of her signing the adoption consent.

There was a substantial change in how the community perceived and behaved towards unwed mothers. The commodity became less obtainable; therefore a premium was placed on it and the producer.

25. What were the changes in language?

"The consent to surrender the child clarifies the position of the natural parents and after the revocation time has expired their rights largely cease. There are some problems about the mother having no rights while retaining some obligations... While the natural parent no longer have any rights to the child she still has some very important rights that have to be respected by every individual and group within our society.



She is powerless and particularly vulnerable to abuse, and that abuse is not an uncommon feature. She has, for example, the same right as any other patient in a hospital. He has the right to be told what has been prepared for her by way of physical and medical treatment, and she has the same right as any other patient to refuse such treatment. She has the right to name her child and the right to see her child with no more restrictions as any other patient in the hospital, even though those restrictions are subject to her final decision.

She can sign herself out of hospital as can any other patient who is not subject to a committal for psychiatric reasons. She has the right to see anyone she wishes, including the putative father of the child, and he has the right to see the child as much as any other father has the right.

Many of these rights are not being recognized, apparently on the grounds that restrictions are in the interests of the mother and her child. Not only is there no evidence to support restrictions on such grounds, but there is an abundance of evidence that this type of repression is damaging to the mother and child and can seriously jeopardize the realism of the decision that the mother is endeavoring to make about whether or not she should surrender the child for adoption. There is clearly a need for those helping disadvantaged people – and single mothers are frequently disadvantaged – to critically examine their motivation and their way of dealing with those they are intending to assist.”^{xc}

26. 1982 NSW Hospital policy circular re - adoption:

“There have been marked changes in hospital practice over the last ten years. In the early 1960’s the view was commonly held that it was in the mother’s interests that she not see the child she was planning to surrender for adoption, and policies thus



followed which prevented her from seeing the child. The hospitals themselves did not doubt that they had a legal right to adopt such policies which were rarely questioned by the staff and by the mothers themselves.^{xci}

Changes in practice have been the result of a growth in psychological knowledge, and the understanding that it is neither feasible nor healthy to protect a person from his/her grief. At the same time there have been changes in the patient/hospital relationships with a tendency for patients to be more assertive in obtaining what they see as their rights and taking more personal responsibility for their own treatment.”^{xci}

“A single mother whatever her age is the sole legal guardian of her child and remains so until consent to adoption is signed. She therefore has the rights of access to her child and cannot legally be denied this. There may, of course, be medical reasons related to the child’s health that may restrict access. The mother has the right to name her child.”^{xcii}

“An adoption consent may be proved invalid under the terms of the Adoption of Children Act, 1965 (section 31 (c)) if the mother has been subject to duress or undue influence. Refusing the mother permission to see or handle her child prior to signing the consent, or putting obstacles in the way of her asserting this right, may readily be interpreted as duress if the validity of an adoption consent is being contested.

One challenge to the validity of consent on these grounds has already been heard in the New South Wales Supreme Court. In the same context any comments or actions by staff members which the mother could see as pressure to persuade her to place her baby for adoption run the risk of later bearing on the legal interpretation of



duress. Anyone found in these circumstances to have exerted “undue pressure” is liable to prosecution under Section 51 of the Act”^{xci}

“It is the experience of adoption workers that most women planning to give up a child now see their child. The majority of these does sign consent and allow the adoption to proceed. Thus, contrary to common belief, experience suggests that there is no negative relationship between a mother seeing her child and signing the consent to adoption or revoking such consent. In fact this will help her face her grief at the time and in turn will promote long term adjustment to her loss.

It is believed that the following guidelines should serve to safeguard the rights of the mother while at the same time giving due recognition to both the personal and professional concern of individual staff members for the welfare of the mother and child.”^{xcv}

In 1983, the Victorian Government released a report titled “Adoption Legislation Review Committee – Victoria.” It was the product of 124 committee meetings, approximately 500 submissions from the community, community meetings, and individual consultations with experts in various field related to adoption. The authors of this report saw the purpose of adoption in the 1930’s and 1940’s as having a primary objective of aiding the child. “Adoption enables a child to achieve permanent security in a substitute home with an adult or adults fully committed to fulfilling paternal responsibilities and obligations and to ensuring the well-being of the child.”^{xcvi}

Major adoption trends from 1966 to 1982. The authors interpret the fall in total Adoption Orders directly related to the overall rate of birth (attributed to ease of



access to contraception and abortion) and from the decision of mothers to raise their children themselves. They also note that in 1969 less than 50% of children born outside marriage were adopted.^{xcvi} It is interesting to note the decline in Adoption Orders after the 1973 introduction of the ‘Supporting Mother’s Benefit.’

The demand of couples wanting to adopt continued and the decline of children available brought about periodical closing of applicant lists. It was then that the adoption professionals began to look more carefully at the large number of children previously deemed ‘unfit for adoption’ and began to develop strategies to ‘sell’ the idea of adopting a ‘hard to place child.’ The era of the “perfect specimen” had passed.

The changes in legislation during the 1960’s increased the degree of secrecy surrounding the adoption, except that the adoptive parents saw documents which contained the mother’s name, and sometimes the name of the child’s father. Copies of these documents were issued to the adoptive parents.”^{xcviii} The nature of the information sought by social workers included: backgrounds of the mother and father (family history, including racial and cultural material), mother’s and father’s medical history, descriptions of personality and skills, parents vocational history and education (to establish intelligence), and physical attributes.^{xcix}

In Victoria, mothers who lost children to adoption are unable to view this documentation to legislation and the destruction of most of this material.^c

27. Returned Babies.

“It is likely that children who look different, who have minor asymmetry of the head or face, or have a large tongue, will be considered abnormal. In such cases



investigations are in order, but once labels such as “mongoloid” or “suspected brain damage” or hypothyroidism” appear in the records, they remain and become difficult to raise.”^{ci}

“...children who look normal may be passed for adoption, only to return later with serious problems.”^{ci} Mothers who were in confinement at St. Joseph’s Babies’ Home Broadmeadows condition their version, the version of a woman who had a child in the home’s her issues intentions/ interpretation.

Katie was sent to this institution for her confinement in 1963. Shortly after admittance she was interviewed by Social Worker, _____ who reported in her file that Katie’s plans for her future “were very uncertain.” Katie had expressed her intention to keep her child.

During her stay at the home she was compelled to work serving meals to nursing staff 6 days per week and having her sickness benefit garnisheed by the institution, a small amount returned to her for her own use. After falling ill with a kidney infection and a hospital stay, she did not receive any visitors, nor is she aware of her parents being notified of her condition.

She returned to the home to work with the Karitane nurses in the toddler’s nursery although she had “not fully recovered her strength.” She learnt later, from her mother that visitors, even family members were not permitted to visit unmarried mothers at St. Josephs. Incoming mail “was censored” and was redirected via _____, a relative of the Mother Superior at St. Josephs. Katie was transferred to the Royal Women’s Hospital at Melbourne to give birth. “During labour I was



chained to the bed with leather straps binding my wrists and heavily drugged with a concoction of Chloral Hydrate (2000mg), Sparine (25mg), and Pethidine (100mg).”^{cii}

She vomited after drinking the initial dose of Chloral Hydrate and after considerable discussion the medical staff opted to giving her another dose. After the birth of Katie’s daughter, the infant was immediately removed from the room and without consultation Katie was given drugs to suppress lactation. Later, in the ward she requested her child and was informed that it was hospital policy that unmarried mothers were not to see their children for a number of days.

“I had not signed a consent form”. When I returned to St. Joseph’s Babies’ Home with my daughter, the nuns and priests baptized her without my knowledge or consent. Later, in a meeting with _____, she reminded me that I was a minor and was told I could not survive in the community with my daughter. “She was very manipulative and coercive as she endeavored to have me sign the consent.”^{civ}

One of her arguments was the statement *“...even if you did keep your baby it would only be a matter of time before Child Welfare knocked on your door and took your baby from you. That would be much harder on you and your baby”.*^{cv}

Katie believes that she would have been able to care for her child. She and the infant were welcome in her parent’s home, and Katie had a stable employment history. Katie did sign the consent, and after returning to her parents’ home in Sydney wrote a letter to _____ requesting to see her daughter. She received a reply stating her daughter had been placed with a family. What is immediately obvious is that Katie did not receive a copy of her consent order. She



did not understand the nature or ramifications of the document she signed, the veracity of the order is in question given she was a minor and felt coerced...

28. Impacts of adoption on mothers.

The bonding process between the mother and the child in utero has been widely acknowledged by the health professionals. However, the importance of this understanding is ignored or purposefully diminished if the mother has lost her child to adoption. The many reasons for this will be examined in this submission.

Historically, the mothers who have lost their children to adoption have been neglected in sociological, psychiatric, psychological and welfare literature. It is estimated that less than 5% of all adoption literature deals with the impacts and consequences of separation on the mother.

Dian Wellfare, a mother who lost a child to closed adoption described it as “a separation so permanent as to emulate the veil between the living and the dead” although little attention has been given to the trauma inflicted on the mother who loses a child in such a permanent and unnatural manner.^{cvi} Sister Mary Borromeo, an advocate of adoption from the Catholic Adoption Agency described the impacts of adoption on mothers to her listeners at the Inaugural Proceedings to introduce the *Adoption of Children Act 1965* as “a great many intents and purposes comparable to separation from a child through death.”^{cvi}

Another proponent of adoption, Miss M Nicholas, a trainer of adoption workers in 1968 for the Anglican Church Adoption Agency said that women who lose their children to adoption experience depression, anxiety, self-esteem, experiences weeping, feelings of rejection and sensations of social isolation. She also instructed



her students to be aware of life threatening behaviors such as suicide attempts, compulsive behaviors, aggression, hostility and self-destructive acts. Nicholas also recognized a pattern of nightmares amongst the women consisting of images of babies being tortured.^{cvi}

This loss is a traumatic event, whose symptoms are regularly dismissed with statements by professionals and people within the personal relationship sphere of the mother such as instructions like *“Get over it; move on with your life.”* Such responses reinforce the experience of helplessness and isolation experienced at the time of her separation from her child. Beyond the loss of the child the mother may have experienced financial hardship or homelessness through loss of employment, interrupted and destroyed relationships with family, friends and her community.

Adoption Origins Victoria have found that approximately 45% of the women who have lost children to adoption have not had subsequent children. In effect, these women have lost the opportunity to participate in the changing roles a woman with children would expect to enjoy though out her life time, including becoming a grandparent. This loss has significant impact on the quality of the mother’s life both privately and in the public sphere leaving her uninvited in the social structures dedicated to family life.

Over the years that we have been meeting with mothers who have lost children to adoption we have seen a myriad of psychological responses to a host of unique adoption experiences. Some are deeply traumatized. Each woman has her own way of coping with loss and grief. According to an article, *“The Unmarried Mothers,”* published in The Bulletin, in 1967, unpublished research by Wilfred Jarvis found that *“mothers who surrender their children to adoption seem to suffer chronic*



bereavement for the rest of the lives... unmarried fathers suffer bereavement and guilt long after the child is born and adopted, although most of them have by then terminated their relationship with the mother... and adoptive children usually manifest a keen and obsession wish to locate and meet their natural mothers, which becomes dominant during adolescence.”^{cx}

Many have overt symptoms of PTSD. They describe sensations of emptiness, are unable to recall the birth of their child, and find exposure to present events associated with their trauma unbearable.^{cx} There are common strategies to coping on these occasions the usual being dissociation, and somatic expressions such as depression, headaches, amnesias, time loss, trances and “out of body experiences.” For others, the loss might be expressed in publically displayed acts of grief, anxiety or behaviors’ arising from emotional wounds creating further social isolation.

Alternatively, they may suffer irresolvable grief in shame, silence and secrecy. The very unfortunate find their symptoms unmanageable and are admitted to psychiatric institutions.

The long term remedies sought by the mothers for their trauma and grief are varied. Some seek counseling, find refuge in faith, friendship, family or careers; others have become on reliant on alcohol, prescription drugs and/or illicit drugs and experience difficult lives. We are not alone in our conclusions.^{cx}

In 1997, The Australian Association of Social Workers issued a Statement About Adoption which was offered to the 6th Australian Conference on Adoption. It said “ASSW expresses its extreme regret at the lifelong pain experienced by many women who have relinquished their children for adoption.” It then went on to justify the



actions of its employees claiming their actions were “done with the best intentions,” talked about hindsight and concluded with the statement “this in no way diminishes the pain felt by the mothers and children who were separated at birth.”^{cxii}

The conveners of the conference chose not to read it to the audience as it did not acknowledge the illicit actions of Social Workers and the pain imposed on the mothers through their actions. We see the devious language in the phrase “*relinquished their children for adoption*,” it does not acknowledge the obtaining of consent by coercion.

29. Consents

- **Fraudulent information regarding birth entries**

Origins have proof that some infants were registered in the names of their adoptive parents but we do not know how many. We can never know how many adoptions were obtained by this method. Origins Vic has been informed that when Sr. Fabian passed away a list of names of babies placed with people who registered them in their own names went with her.

Whilst this is anecdotal her conspiring with the Archbishop in covering up priests indiscretions at least or even worse was revealed in an obituary and verified by Peter Costigan in the Herald Sun 12 July 1998.^{cxiii} Origins has documented Consents were taken under duress, and entries were falsified such as the Anne Hamilton Byrne’s “*conviction*”.

In one case documented in the Tasmanian Inquiry the Mothers gave an account of her identity details being recorded in her twin daughter’s prospective adopted name. The natural parent was to have registered the birth in her own handwriting;



conversely the solicitor or social worker who took the consent undertook to register the birth. The mother was unaware of the whereabouts of her twin babies who had been removed from Tasmania to Victoria within hours of her signing what she believed to be a release for temporary foster care. She only learned much later of what had transpired when she applied for their return.

The Mother in question had kept her first born child and the social worker had threatened to remove all of her children if she failed to sign consent to foster care for her new born twins.^{cxiv}

Forbidding and making it impossible for mothers to see or touch their child until they have signed a consent form. We have found that mothers who have not been reunited with their child live with perpetual anxiety concerning the well-being of their child. This occurs with news of natural and manmade disasters. There was considerable pain evoked within our community when it was revealed that the remains of many infants were discovered during the excavations for the extension of Royal children's Hospital, at Parkville, Melbourne. The remains were unidentifiable. We are aware that infants and children deemed 'unfit for adoption' were housed in that institution...

Impacts on Fathers The changes in legislation during the 1960's increased the degree of secrecy surrounding the adoption, except "the adoptive parents saw documents which contained the mother's name, and sometimes the name of the child's father. Copies of these documents were issued to the adoptive parents."^{cxv}



Mothers have described that if there was a potential for consent to adoption to be disputed (for example the parents were engaged to be married) the father's name would not be included in the records.

The practice of threatening young mothers with charging the father of their child with carnal knowledge was well established. Inglis described the impact as: *"In this atmosphere of punitive moralism, fathers by nature were not fathers in law unless they placed themselves in that situation."*^{cxvi} And in many cases they did claim the child as their own. They were engaged to the mother, often with the blessing of the parents and a wedding was pending. Several of our members have mentioned that Social Workers failed to acknowledge the fathers or actively removed their names from legal and informational documentation.

30. Commonwealth Marriage Bill include Whitlam Bill and Commonwealth Marriage Act 1961 Sec 89

Mothers did marry after the infant was abducted and before the adoption order was signed. Some mothers reported being told it was too late after requesting the return of their baby and later found this to be untrue^{cxvii}

If they had been given copies of the consent and directions to revoke they could have followed the legislated process to ensure their babies return, however they had no choice but to accept that the authorities were telling the truth.^{cxviii}

Couples did marry, by virtue of the marriage act the baby was legitimated and they automatically became their baby's legal guardian. If a Mother /Father were present when the adoption order was made these conspiracies could never eventuated because to a presiding Judge it looked as though consent was in order or the baby had been abandoned. Therefore all who colluded in the abduction were responsible



for breaking the law.

Furthermore, a Mother later discovered that if one parent disagreed with them keeping their child, the Social Worker would side with the parent. Others describe manipulations of the mother and father creating a situation where an imminent marriage, that would have legitimized the child, to be cancelled. This interference in the relationships of the mother further damaged her relationships with her larger family. A considerable number of women who have contacted our organization did marry the father of their child lost to adoption but discovered that the status of our children was not revised in the documentation.

The terms of reference to this inquiry requests and we make.....in the following passage there is a direct correlation between breaches of the responsibility between a State Adoption Act to the Commonwealth Parliament. Because the Commonwealth Marriage Act sec 36 legitimated a child of the relationship Mothers have reported to Origins their marriage was ignored by the authorities. Regardless of requesting their infant be returned and there being no consent to adoption signed by the father babies were withheld and adoptions proceeded.

If the prescribed copy to the consent had been issued to the MOTHER at the time of taking the consent she would have been privy to the information necessary to her and her husband to challenge an adoption that was not in the best interest of their child One couple were informed after three weeks of delivery *“that it was too late”* They married but their infant was not adopted for 11 months after their marriage. The soon-to-be adopters had the baby in their care from day 5 so they temporally moved to country Victoria until the adoption order was signed.



One month prior to the parents of origin marriage, a guardian ad Litem was appointed by the court, however he had already baptized the infant in the name of the future adopters. His failure to submit the report contract to the court seemingly accountability as was also Commonwealth Marriage Act.^{cxi}

This was a blatant contravention of the Commonwealth Marriage Act. The myth of the father being “*a deserter, seducer and exploiter*” was occasionally questioned by adoption professionals. Stated in 1967, a social worker told a seminar at the University of Sydney in 1967: “*In Australia the help given by social workers has not at this stage been extended to the unmarried father... in any case, as a parent of the child, they could, where possible be consulted about the adoption... In most cases when a genuine effort has been made to help them or consult them, they have responded.*”^{cxx}

31. Impacts on subsequent children.

Little discussion exists in the literature about the impact of forced adoption on the mothers subsequent children. We have found that subsequent children pay a heavy penalty in terms of the mother’s ability to cope emotionally. Further we have seen serious consequences can arise as a result of the mother revealing information to subsequent children about an earlier child she bore and lost to adoption until recently. Origins have learned of children distancing themselves from Mothers because if she ***gave*** one of her children away it could have been them, they also lost trust in her ability to love them, and her integrity. The stress associated with to reveal is significant. The decision to reveal may bring positive results within her familial relationship; however it might also prove disastrous with subsequent siblings reacting with anger, territorial claims, and profound identity disturbances



and on occasion's outright rejection of the mother. The act of disclosure is fraught with dangers to relationships.

- These impacts on contact with the adopted child on subsequent children.

The decision not to reveal is equally difficult for the mother as she is aware that a choice not to speak of the child she has lost to adoption, has the consequence of her remaining with a secret which will remain debilitating to her. Of equal importance, she will be denying the right to a relationship with the adopted child to his/her siblings and extended family. She also lives with an understanding that information about the loss of a child may become known to her family on her death. Assisting women with this decision process and its consequences is a significant part of Origins Victoria's support process.

32. The Impact of adoption on the adopted child Insecurity.

If you have read the research on the impact of adoption on adoptees why on earth would anyone suggest it was a good thing for most adopted persons. For example, while the research does indicate that some adoptees are unaffected by the experience of adoption, it would appear to a greater or lesser extent that most are.

For example, overseas research studies indicate that there are a higher proportion of adopted persons in the psychiatric system, prison system and forming our homeless youth. Prior to this act, these children were in law fillius nullius, literally "*the child of no would expect given the number of children who have been placed for adoption*".



In Victoria for example in 1991 adopted persons formed 0.5% of children (0-18 years) but an audit conducted in 1993 revealed that between 1991 and 1993 the South Eastern Child and Family Care Centre's new case registrations for example, found that 1.8% were adopted. Another larger study conducted in 1994 found that 1.2% of adopted persons formed our homeless youth. Given that studies have also shown that there is a direct relationship between homelessness and psychiatric, drug and alcohol problems, the impact of adoption on the adopted person perhaps requires more attention than it has been given

“A deep identification without forebears, as experienced originally in the mother-child relationship, gives us our most fundamental security.”^{cxxi}

According to the literature, the adoptive child is subject to accusations of having ‘*Fantasies*’ regarding their family (commonly described as ‘*family romance*’) when they find themselves questioning the validity of the adoptive parents.^{cxxii} Many adopted children who have that fact withheld from them and discover it later or have revealed it later recall believing at times “*this is not my family, I belong elsewhere.*”

The psychoanalytic community fails to realize how observant the child is or that the child may pick up hints regarding their origins from the adoptive parents. When the thoughts of the child are revealed punitive action is often the result, especially from parents that have chosen to conceal the child’s history. For the adoptive child, the delusion of adoption as described by Elizabeth Edwards, convener of Adoption Origins Victoria is a reality with profound effects. “*Adoption is a created reality, a delusion. It requires an unmarried pregnant girl to deny that she has had a maternity, her child must accept strangers as their mother and father of origin and*



the infertile couple has to believe they have had a child of their own as if born to them in wedlock.”

The child does, in actuality, have “other” parents.^{cxxiii}

“Adoption is an inherently arbitrary process that defies the child’s natural wish for fairness.”^{cxxiv}

By 1952, there was an established literature on the ill effects of adoption on the child. British psychiatrist, E Wellisch wrote on the subject of the lack of knowledge and definite relationship to an individual’s genealogy and coined the phrase “*genealogical bewilderment*.” In his opinion, this lack of identification resulted in the child’s “irrational rebellion against their adoptive parents and the world as a whole, and eventually to delinquency.”^{cxxv} This idea was adopted and adapted by many theorists of the period.^{cxxvi}

Children housed in the St Joseph’s Babies’ Home, Broadmeadows, Victoria were most certainly subject to emotional damage within the structure of an institution holding at its peak residency. Due to the Mother Craft Training School, that provided an income for the institution and credibility in the community through its provision of vocational qualifications. This came at a cost to the children who were considered “unadoptable” and kept as long term wards. The Mother craft qualifications were based on infant care, not that of the toddler.

Sister _____, one of the interviewees described an ongoing trauma attached to the “unnatural crowding together of children.”^{cxxvii} As this was a training institution,



trainees would be rostered and rotated. Infants would be handled by six or seven people within a regular shift.^{cxxviii} Due to the number of admissions older children would be shifted to different nurseries at 8 months, 15 months and 24 months, providing little consistency in parenting.

As the Infant nursery demanded more of the staff for training, there was a ratio of one staff sister, and two unmarried mothers to 24 children.^{cxxix} It was an environment that would have had dire consequences on the long term mental health of the children and adverse effects on any future placement. Dr F. Grunseit described the cumulative effects of such conditions: *“It would seem that those children, who are permanently placed after the age of six months, are more likely to have behavior problems, difficulties with adjustment to their new families and are less likely to be accepted by their parents”*.^{cxxx} Social Worker, Miss cxxxi

Sister , who was responsible for one of the toddler nurseries, was profoundly aware of the impact of institutionalization on the children in her care and attempted to remedy it.^{cxxxii} She described the annual transfer of children to other Catholic Homes such as St. Anthony’s at Kew, the Good Shepherd Sisters Home at Abbotsford and St. Vincent de Paul’s Home at Black Rock as *“the worst day of the year.”*

Her duties were to travel with the children to the institutions and leave them in the entrance hall. The children did not want to be separated from one of the few stable people in their short lives. Sister would return to the St. Joseph’s Babies’ Home campus with torn clothing – a result of terrified and clinging children being wrenched from her by adult staff.^{cxxxiii}



The mothers would have reasonable expectation that her child would experience quality medical care – many of the mothers were told by nursing staff, social workers and other adoption professionals that “their child would experience a quality of life that the mother could never provide.” Dr. F. Grunseit, Pediatrician in Charge, Adoption Advisory Centre at the Prince of Wales Hospital had a different perception of events: “Until recently, pediatricians and physicians have shown little interest in children surrendered for adoption. Thus, a baby spent six months in a country hospital without being examined at all because everyone was too busy.”^{cxxxiv} This amounts to breach of good faith.

33. Violence against adopted children by adoptive parents.

The prevalence of child abuse described by children found by their mothers is alarming. We have found that stories of abuse from our children traumatic. At the time of signing the consent to adoption we were told, and believed that our children were going to “good homes.” We now understand the vulnerability of adopted children to physical, psychological and sexual abuse was well understood within the adoption professional’s community.^{cxxxv} Had we been aware of this possibility it is unlikely we would have signed consent forms. This is another issue in the questions we have regarding informed consent. Given these conditions it is little wonder that there is a substantial literature on behavioral problems in adopted children.

34. Suicide - in adopted children.

We have learnt from some of our members that the child had committed suicide prior to meeting their mothers or had attempted suicide. For any parent this is devastating news, for us the pain is extended at knowing our child was suffering so profoundly and we could do nothing to assist. There is considerable literature



describing a correlation between suicide and adoption.^{cxxxvi} Origins have also been aware of premature deaths of mothers.^{cxxxvii}

Examples of unlawful and unethical practices described by members of Adoption Origins Victoria Inc.

In a letter to the secretary of the Hospitals and Charities Commission from Sister [redacted] providing information arguing that the St Joseph's Babies' Home remained a viable and flexible institution in the changing adoption demand period of the mid 1970's stated: "*...we do intend to remain in the same field and continue to care for the single mother and her babe, the placement of babes in foster care and with adopting parents*"^{cxxxviii}

It was suggested by Sister [redacted] in 1966 but the idea was rejected on the grounds that they were a registered adoption agency and the Bureau did not approve of the scheme on the basis of "*hardship suffered by the adopting parents if the single mother reneged.*"^{cxxxix} However at the time this practice was being undertaken by both the Royal Women's Hospital and the Mercy Hospital as a means of emptying beds in the maternity wards due to high demand. The idea was raised again by Sister [redacted] in 1971 and was discussed with [redacted], a Social Worker. On the arrival of Sister [redacted] in 1971 the plan was implemented.*

This suggests that the children of mothers who had signed consent forms but were within the 30 day revocation period were being left in the custody of prospective adoptive parents. If this is not a breach of the Act, it is most certainly a disregard for the spirit of the Act. Further, these placements may have initiated a bonding with the prospective adoptive parents thus placing the infant into a situation of further



psychological damage had its mother chosen to revoke the consent. This institution was receiving funding from the Commonwealth and was accountable to current adoption policy.^{cxl}

Mothers' who were minors under the age of sexual consent were subjected to threats of having their partners incarcerated for carnal knowledge, if they refused to sign the adoption consent.

35. Not allowing the mother to leave the hospital without signing a consent form.

Denying the mother her basic human right to see her own child by placing objects as obstacles to a line of sight, administration of stupefying drugs, using physical restraints, and with holding formation of the 30 day revocation period, thus preventing the mother from revoking the adoption decision by advising them that "it is too late, the child has gone."

Allegations that Social Workers were not informing mothers of available benefits and payments, prior to the 1973 implementation of the "Supporting Mothers Benefit," that would have made it possible for mothers to keep their child. We contend that this was at times purposeful, with the intention of dissuading mothers from keeping their children through the threat of impoverishment.

Adoption Origins Victoria has long held concerns regarding the administering DES, or diethylstilboestrol, or stilbestrol to mothers prior to and after the birth of the child to prevent lactation. This medication has been publically recognized to be a carcinogen since 1971, we expect safety concerns date further back. We are aware that mothers had this drug administered to them while they were under the



influence of stupefying drugs and therefore consider this to be without informed consent.

The New South Wales Standing Committee on Adoption Practices in December 2000, considered this issue, accepting the advice of Drs. Hinde and Pagano, while stating that *“the Committee believes that judgments on whether the administration of medication to unmarried mothers was unethical and unlawful would require further comparative research studies.”*^{cxli}

We believe that mothers need to be able to obtain the medical records surrounding the birth to establish if this drug was administered and at what doses.

- Forcing the cessation of lactation by breast binding
- Sedation with “lytic cocktails” consisting of various mixtures of Phenobarbitone Pethidine, Sparine and Lagactyl.^{cxlii}

We have heard many mothers describe the administration of post-hypnotic memory altering barbiturates both during and/or after labour¹²¹^{cxliii}

The medications include Sodium Amato, Methadone, Heroin, Chloral Hydrate and are used with the intention to “bring about a drowsiness in which nervousness and apprehension are allayed and to abolish memory.¹²²”^{cxliiv}

Some of members have suggested this treatment was specific to unmarried mothers and was intended to reduce resistance to signing consent forms.



The long term implications of mothers having incomplete memories of their maternity and a sense that they were duped into signing consents by being stupefied by medication are profound. We query the validity of the consent to adoptions signed under those conditions... The wholesale administration of sedatives impeded the mother's cognitive processes regarding the loss of her child, causing her retrograde amnesia, the result being that few mothers were able to come to terms with the reality of the birth.^{123^{cxlv}}

Origins are repeatedly confided with Mothers claims of the following unlawful exploitation in hospitals. Hiding the child within the institution and denying the mother access to the child while the mother had custody of the child. Not ensuring the mothers understood the permanent nature of adoption, or misinforming the mother as to the status of her child.

36. Assault offences.

- Restraining mothers to beds while in labour. Physically restraining the mother as a means of preventing her from contact with her child.^{cxlvi}
- Interference with the act of birth, including unnecessary caesarian sections, unnecessary forceps deliveries...
- Using overt and covert forms of duress to obtain consent for adoption.
- Inducing mothers to sign incomplete documents of consent for adoption.
- Workers within the adoption industry colluding with obstetric hospitals to introduce and carry out illicit adoption practices. For example, codes written



on hospital records designed to indicate that the mother to be was unmarried and therefore she and her baby were subject to routine adoption procedures – although the mother had not to any adoption procedures.

- Promising things that could not be delivered or guaranteed. For example and “ideal life” for the child post-adoption. The notion of “in the best interests of the child” was a means of obtaining consent by deception.
- Obtaining unenforceable invalid consents from minors. Obtaining signatures from a minor without a legal advocate present. Obtaining a signature from a minor without ensuring the minor is aware of their legal rights or the implication of the document.
- The insistence that a mother should sign adoption consent prior to the delivery of her child.
- Religious rites, such as baptisms, were conducted without the consent of the mother while the child remained in the custody of the biological mother. See Katie’s story.^{cxlvii} We have heard allegations of falsification of religious denomination on a Third Schedule, Part A Form of Consent by Parent or Guardian to Adoption Order. Point 5 reads: *“I desire the said child to be bought up as a (insert name of religion), he authors of Adoption Australia from the National children’s Bureau of Australia noted: “About the only condition that a relinquishing parent could have made on giving consent to the adoption related to the religious upbringing of the child by the adoptive parents.”*^{cxlviii}



Sister M. Borromeo^{cxlix} advised her peers the Australian Journal of Social Work of revised recommendations for the framing of regulations, adoption of Children Act, 1965, Child care Committee, Australian Association of Social Workers (NSW Branch):

“The natural mother also has the right to decide the religion of the child, and no one except the Director of Child welfare can override this decision – and that is very grave reason. The Association has recommended that there be provision in the form of consent for some positive consideration and decision in this matter by the surrendering mother. There is a grave responsibility upon each adoption agency not to accept a child for placement for adoption unless it has sufficient applicants from the denomination which the mother has stipulated.”^{cl}

A significant amount of hospital and medical documentation regarding the mother and child are not available to the mother under FOI. Some have been destroyed.^{cli} These include nursery notes, labour ward records, drug registers and transfer notes.

1. Allegations of falsification of birth documents.
2. Allegations of falsification of consent documents.
3. Failure to deliver the mother copies of the consent document. Form 4 also contains the legal instrument “Form of Revocation of Consent to Adoption Order”.

Rapid Adoption was a favored method of the medical profession in Australia before the proclamation of the *Adoption of Children Act 1964*. It has been found to have been practiced in New South Wales, Victoria and Tasmania^{clii}

37. Rapid adoption



Rapid adoption was defined in 1967 by Dr. [redacted] as “the immediate allotment of a child to a mother just confined of a stillborn Child.”^{cliii} However, we prefer to describe it for the purposes of this inquiry.

In Victoria the process of Rapid adoption has been well researched due to adoptees contacting Adoption Origins Victoria after the Adoption Register was opened in 1998. This was when we began to meet mothers whose children had fallen prey to the practice.

After the unmarried mother delivered her baby, the doctor would inform her that her infant had died. Then the child would be placed on the breast to a married woman with a history of stillbirth. The adoptive parents were fully aware of the origins of the child. The unmarried mother would be administered stupefying medications and asked to sign a document. She would be told that the document was an application to register her baby’s death, in actuality it was consent to adoption.^{cliv}

1) Registration of baby details of her address determined whether a Mother received a birth certificate

In 1999 Origins Vic. Convener personally attended an interview with Department of Births Deaths and Marriages personnel after applying for the original application of registration of her first born child. She requested the reason why she received the original birth registration whilst other mothers had not.

The employee informed the convener that if the address on the application recorded an unmarried Mothers home the policy was not to provide a mother with



her infant's birth certificate. This Birth certificate relating to her child legally belonged to her and not to the Department or anyone else.

38. The language of eugenics, institutions, adoption policy and practice

The term "Eugenics" derives from the Greek word *eu* (good or well) and the suffix *genes*, (birth). It was coined and made popular by Sir Francis Galton in 1883, who defined it as *"the study of all agencies under human control which can improve or impair the racial quality of future generations."*^{clv}

According to Unified Medical Language System, eugenics is defined as "the applied science or the biosocial movement which advocates the use of practices aimed at improving the genetic composition of a population."^{clvi}

It is somewhat more reserved that the definition given by Galton and does not overtly includes policies designed to exclude socially unpopular groups such as the poor or those considered worthy of rehabilitation. After the events in Germany during World War II overt discussion of eugenics became unpopular, except in some exceptional communities. This is a section of The R D Featherstone Lecture, given by the obstetrician, D.F. Lawson at the Medical Society Hall in East Melbourne, July 1959.

"Years ago, diphtheria, dysentery, and scarlet fever would at times decimate these homes. Natural selection played a part in keeping this portion of the population down. Fortunately that does not happen now; but these children often grow up to be a burden to themselves and to the society in which they live".^{clvii}



As much as the word ‘eugenics’ has been popularly relegated to historic vocabulary, the practice of eugenics has continued and expanded. It is ever present in social policy and genetic medicine. Modern eugenics have two general divisions: positive eugenics – actions designed to increase the rate of “fit” individuals and negative eugenics – actions designed to decrease the degenerate population. Adoption practice we argue has elements of both divisions used against the mother and her child, perpetrated by the community, the adoption professionals and particularly the adoptive parents.

Eugenics—the study of human racial progress through selective breeding—frequently invokes images of social engineering, virulent racism, immigrant persecution, and Nazi genocide, but Vermont's little known adventure in eugenics shows the inherent adaptability of eugenics theory and methods to parochial social justice.

Beginning with genealogies of Vermont's rural poor in the 1920s, and concluding in the 1930s with an expose of ethnic prejudice in Vermont's largest city, this story of the Eugenics Survey of Vermont explores the scope, limits, and changing interpretations of eugenics in America and offers a new approach to the history of progressive politics and social reform in New England.

Inspired and directed by Zoology Professor Henry F. Perkins, the survey, through social research, political agitation, and education campaigns, infused eugenic agendas into progressive programs for child welfare, mental health, and rural community development. *Breeding Better Vermonters* examines social, ethnic, and religious tensions and reveals how population studies, theories of human heredity,



and rhetoric of altruism became subtle, yet powerful tools of social control and exclusion in a state whose motto was "freedom and unity."

"Gallagher, whose background in biology allows her to explain with clarity the scientific origins of eugenics, tells her sobering tale with both sensitivity and a touch of outrage."

Medical tests such as STI (STD) tests were performed on children while they remained in the custody of the mother (prior to signing consent to adoption) were carried out with the consent of the mother but often at the request of the prospective adopting parents. This was common practice according to R.J. Walsh:

"... usually a more extensive examination is made and includes a serological blood test for syphilitic infection, which the infant may have acquired from the mother. This examination of the infant is not essential but is so well recognized as a preliminary procedure that it is requested by the adopting parents."^{clviii}

This may have also resulted in breach of privacy given the results may have been discussed amongst Social Workers and other staff.

These experiences are understood by our members to be part of the punitive culture of adoption expressed in unfair division of power by disregarding the parent's privacy along with exposure of private information to the adopters. The destruction of documentation leads us to wonder about the content in the adoption professionals, report.^{clix}



Inglis sees this act as implying "...mothers and children separated by adoption are a danger to each other."^{clx}

"During the 1970's, small but significant numbers of "children with special needs" have been placed for adoption (older children, children with disabilities etc.), the Victorian adoption scene had changed, not only by virtue of the numbers of children being placed for adoption but also the age and characteristics of those children."^{clxi}

The 1970 – 80 decade also saw a sharp rise in the trend of adopting children from racial groups other than those of the adopting parents and overseas adoptions. In part this was influenced by the decline of children available in Victoria but also due to greater television publicity and advertising by NGO's concerning the plight of children affected by natural disaster and war.

A child of different ethnic origins was normalized for the traditional anglo-european adopter through the large migrant population and careful public education which had changed the culture of Victoria.

Aboriginal children were rarely available for adoption, were found culturally appropriate families through the Victorian Aboriginal Care Agency. The word 'miscegenation' had become the vocabulary of a racist.

Post World War II found a society in a state of flux, where the number of unmarried women bearing children and the number of infertile couples were on the increase. The problem of delinquency and degeneracy was now being addressed by a growing army of adoption professionals, social workers and clinicians.



Clark Vincent, an American social commentator found the rise in illegitimate births disquieting and predicted that the demand for children available for adoption exceeded the supply and if there remained an emphasis in the courts on “*the rights of the child*” over the rights of the parents then it was probable that unwed mothers “*would be punished*” by having their children removed from them at birth. He went on to explain that this policy would be couched in terms like “*scientific findings, the best interests of the child, rehabilitation goals for the unwed mother and stability of the family and society*”.

He emphasized that “*such policy would not be enacted or labeled as punishment*” – the hallmark of skillfully designed negative social eugenics.^{clxii}

In Australia, the same social changes were occurring...

Dr. F. Grunseit, in a study of 130 children at the Adoption Advisory Clinic at Prince of Wales Hospital, Randwick, described some of the children available for adoption in the late 1960’s as: “the perfect baby... or as a recent newspaper article called him or her, the “*blue ribbon baby*” was available in good supply. Selection was easy and those rejected were deferred or ended up in institutions.”^{clxiii}

He went on to describe the mothers of the children deemed as ‘*unfit for adoption*’ as “**the unmarried mothers are likely are likely to be poor, undernourished, and of low intelligence, if not actually retarded**”.^{clxiv}

That was before changes in social policy made benefits more easily available to unwed mothers. After the introduction of the Whitlam Social Security policies, a greater availability of contraception and a wider community acceptance of the unmarried mother Dr. Grunseit claimed “Adoption, as we know it, seems to be on



the way out because of the decreasing amount of babies available for adoption.”^{clxv}
He was not alone in his concerns about the adoption industry.^{clxvi}

With the decreasing supply of newborns considerably more interest was given to those children previously considered unfit for adoption. Prior to the lack of supply these children were given little attention.

“In the past, when many babies were available, few children with problems were placed during the first few weeks of life... Agencies were busy and short staffed. They had difficulty coping with problem children. Doctors were quick to place the ‘Deferred’ label on a baby and many personal prejudices about adoption were being perpetuated by the professionals. Often, in ignorance of the facts, prospective parents were advised to adopt or not adopt a particular child. Now, more concern is being shown by medical practitioners but the source is drying up.”^{clxvii}

The era of the “blue ribbon baby” had passed and the scrutiny of the mother and child became more intense, more obviously interested in degrees of ‘quality’ now that quantity was gone. He was concerned that many of the babies available for adoption were of low birth weight, with family histories of mental illness, congenital infections, substance abuse, neurological problems, the progeny of incest, genetic disorders or simply a bit too old. As a result of dwindling availability of children for adoption Dr. Grunseit suggested that:

“...the doctors’ concern should extend beyond the fit-for-adoption slot and should include assessment of fitness to adopt. Most couples want ‘a perfect specimen’... If they cannot have one themselves they want to adopt one as nearly perfect as



possible. Only if they cannot have one of those will they will take a baby who might be faulty...”^{clxviii}

39. Medical abuse and medical research on children in homes.

It was claimed by Sister and Sister that during the 1940’s the Children’s Hospital and the Commonwealth Serum Laboratories did combined research at St. Joseph’s Babies’ Home that “contributed to the production of triple antigen serum.”^{clxix}

Because of the nature of the informants we feel that these allegations need to be investigated.

The researcher who recorded these interviews provided a footnote regarding her follow up of this revelation by the nuns. “This claim by Sisters and cannot be verified by existing records. Contact was made with Dr. , Consultant in Immunization; C.S.L. Dr. ^{clxx} said the records on immunization in Australia are very sketchy.”^{clxxi} We are concerned that the documents surrounding any clinical trials may have been destroyed.^{clxxii}

Contempt prevailed and her file was marked A or BFA baby for adoption, In many cases a mother was administered mind altering drugs in order to sedate her until a consent had been signed and she discharged.

A potentially cacogenic drug (Diethylstilboestrol) DES given to prevent lactation without any consultation with her thereby showing intent by Drs .



Origins considers they committed perjury in their testimony in the NSW Standing Committee inquiry into past adoption practices. They administered maternity care with _____ at RWH.

Anne Hamilton-Byrne acquired fourteen infants and young children between about 1968 and 1975. Some were the natural children of Santiniketan members; others had been obtained through irregular adoptions arranged by lawyers, doctors and social workers within the group who could bypass the normal processes.

The children's identities were changed using false birth certificates or deed poll, all being given the surname 'Hamilton-Byrne' and dressed alike even to the extent of their hair being dyed uniformly blonde. The children were kept in seclusion and home-schooled at Kia Lama, a rural property usually referred to as "Uptop", at Taylor Bay on Lake Eildon near the town of Eildon, Victoria.

They were taught that Anne Hamilton-Byrne was their biological mother, and knew the other adults in the group as 'aunties' and 'uncles'. They were denied almost all access to the outside world, and subjected to a discipline that included frequent corporal punishment and starvation diets.

The children were frequently dosed with the psychiatric drugs Anatsol, Diazepam, Haloperidol, Largactil, Mogadon, Serepax, Stelazine, Tegretol or Tofranil.

On reaching adolescence they were compelled to undergo an initiation involving LSD: while under the influence of the drug the child would be left in a dark room.



The Newhaven building was later reopened as a nursing home with no connections to its previous owner or uses.

A few children managed to escape. One adoptive daughter, Sarah Hamilton-Byrne, later wrote a book titled, "*Unseen Unheard Unknown*" in which she claimed, among other things, that children were stolen.

She claimed that her biological mother had come to get rid of a baby and that members of the medical establishment in Melbourne and Geelong took part in a process where women were told that their babies had died at birth, when they had actually been taken away and eventually passed on to Anne Hamilton-Byrne, alone apart from visits by Hamilton-Byrne or one of the psychiatrists from the group.

A few children managed to escape. One adoptive daughter, Sarah Hamilton-Byrne, later wrote a book, *Unseen Unheard Unknown*, in which she claimed, among other things, that children were stolen.^{clxxiii}

40. Relative Adoptions

The only purpose of a step parent adoption is to sever an existing relationship a concern not only voiced by Patricia Harper from the council of The Single Mother and Her Child in 1965 but was echoed by the Human Rights Commission in its report to the on the Review of The ACT Adoption of Children Ordinance 1965.

In response to the following Statutes 9.3 Step-parent adoptions
Section 17(3) and (4)



(3) The Court shall not make an adoption order in favour of one person if that person is married and is not living separately and apart from his or her spouse.

(4) The Court may make an adoption order in favour of a husband and wife jointly notwithstanding that one of them is a natural parent of the child.^{clxxiv}

The Human Rights Commission responded with consternation the following 90 Section 17(3) necessitates the making of an adoption order jointly in the case of any couple living together, and has the effect of requiring a natural parent to adopt his or her own child if that parent has married or remarried and the child's step-parent wishes to adopt the child.

Similarly, adoption legislation in all States and the Northern Territory provides for the adoption of a child into a step-family, and most Jurisdictions require such adoptions to be by the natural parent and spouse jointly.

In Queensland, Western Australia and South Australia adoption by the spouse alone is permitted, although in South Australia, in practice, only joint applications are accepted. The consent of the other natural parent is however required and, if refused, the adoption cannot go ahead, unless there is an order to dispense with consent.

The provisions for step-parent adoptions require careful consideration in view of the significant increase in these over recent years, at a time when non-relative/baby adoptions have been decreasing steadily. This trend in step-parent adoptions is linked with increases in re-marriages which, Patricia Harper noted, increased by more than one-third over the period.



By 1981-1982 step-parent adoptions comprised nearly 48 per cent of all adoptions in Australia.

From the incomplete statistics available, Harper found that numbers were fairly evenly divided between adoptions into a second marriage and adoptions into a first marriage of ex-nuptial children. She concluded:

...it is clear that some families are using adoption as a means of establishing the legal status and family relationships of stepchildren and step-parents within the new family. It is also clear that only a small percentage of stepfamilies choose to use adoption for this purpose or see adoption as an appropriate mechanism for clarifying and establishing family relationships. In 1982, an estimated 30-35 000 children could potentially have become part of a stepfamily: only 1422 children were the subject of step-parent adoptions in that year

2 (Step Parent Adoptions) are adoptions designed to keep the child within the framework of their biological family. A child might be adopted by an aunt, grandmother or other relative. Prior to the creation of adoption legislation this was organized privately and usually informally. Adoption professionals considered this unsatisfactory due to familial complications, a grandmother could become the mother thus rendering the mother the sister of the child. The opening of adoption records has reinforced this thinking.^{clxxv}

Upon close scrutiny relative adoption has some very gaping flaws

In the case of parent's separation or even death the custodial parent may wish for the new partner to adopt their child, this requires the custodial parent also having



to relinquish the child/children before an adoption can proceed, and the parent who is already the legal guardian must also adopt.

On the contrary The Human right commission stated the only purpose of a relative adoption was to exclude an existing family

Statistical data provided by the Welfare Services Branch of the Department of Territories show that in the A.C.T. there were twenty-eight step-parent adoptions (two involving two children each) over the period January 1985-June 1986, in which fifteen were children from ex-nuptial relationships, and fifteen were from previous marriages.

As was pointed out in a comment provided by the Welfare Services Branch of the Department of Territories, step-parent adoptions 'are a phenomenon for which the adoption legislation was not intended or designed. Adoption legislation was largely intended to regulate the placement of infants with (usually) unrelated persons.' - At the time of the enactment of the A.C.T.

Adoption of Children Ordinance 1965, step-parent adoptions were far fewer in number and welfare administrators were largely unaware of any associated risks.

Step-parent adoptions are sought for a variety of legal and/ personal reasons, including: change of surname and birth certificate; inheritance rights; termination of maintenance obligations of natural parent; transfer of full legal parental rights and obligations to the step-parent; exclusion of the rights of a natural parent and other relatives; and discouragement of continuing relationships with, and access to, the other parent and extended family.



Additionally, according to Harper:

“It is still not uncommon for children to be seen as possessions or property to be transferred from one owner or parent to another. Such parents see themselves as having absolute rights to make all decisions regarding the welfare and future of the child even decisions regarding severing of important family ties.”

Adoption may in addition be sought because of a lack of knowledge of alternative options, or because of the unsatisfactory nature of these.

The Commission concurs with the view expressed by the Welfare Services Branch of the Department of Territories, that some applications for natural parent adoptions may be appropriate: for example, in the case of an ex-nuptial child whose father has established no relationship with nor demonstrated any interest in the child and whose mother marries another man. In general, however, the Commission considers step-parent adoption to be inappropriate on a number of grounds, including the following:

(1) it creates by law one set of family and social relationships at the expense of another set: it is doubtful that the severing through adoption of a child's links with one half of his/her family will benefit relationships with the custodial parent or step-parent, as the child may resent losing ties with relatives, and the changing or closing off of records that adoption entails.



(2) The contention that adoption clarifies and establishes the legal status and parental rights and obligations of both the step-parent and natural parent is open to question. In reality the step-parent is already caring for the child and will continue to do so, irrespective of an adoption order. As a result, adoption would seem unnecessary in order to secure care; and inappropriate and contrary to the best interests of the child in its effect of extinguishing all legal links with the natural parent.

(3) Adoption by a natural parent or relative, as noted above, severs existing legal relationships, creating in their place an adoptive relationship. While the creation of a legal relationship where none previously existed is desirable, the severance of existing relationships is undesirable, particularly where it results in the severance of legal links with siblings and an extended family

In the opinion of Origins adoption severs all important relationships, and that is the very least problem it creates

41. Open Adoption

Personal stories are the most compelling evidence of atrocities and in the following Origins wishes to relate two cases of open adoption abuses by a systemic attitude to adoption or to be more precise separation being defined as the best interest of the child. Origins have members who gave consent in good faith to an open adoption only to have visitation rights revoked later on. An open adoption is the process whereby a mother having given consent continues to have access visits with her child adopted by others.



This method was introduced and legislated for in Victoria in the 1984 act after the Victorian Government carried out although comprehensive a hasty review of the Adoption Act and practices. Adoptive parents returned to the courts seeking to close the adoption pleading The Hague convention by stating their baby was being traumatized by the visitation of the natural Mother!

The mother of origin was herself a social worker employed by the department, she married and her children of the marriage were deprived of a relationship with their sister.^{clxxvi}

Another case that has been presented to Origins is of a Father who would have dearly loved to marry the mother of his child however she persisted with the notion of adoption for whatever reason, he finally consented to an open adoption where he had visitation rights delegated to him however once again the adoptive parents unhappy with having to share parental rights took the case back to the courts and the father had his visitation rights reduced this was a very responsible young man and he had not imposed upon the adoptive parents in any way.^{clxxvii}

42. Single parent adoptions

Such approval should not be dependent on the marital status of the adoptive applicant(s), but on the best interests of the child. Agency guidelines should be altered accordingly, with each case to be decided on its merits; in addition, agencies should be directed to keep under review research on the effects on a child of living in a variety of family contexts, Including two adults in a committed de facto relationship, or a single parent established in a stable domestic relationship with a sibling.



- Prior to 1964 ACT plethora of small nursing homes for aged provided shelter for forced removal and consents private adoptions.

The Law States we cannot sign for a crime against ourselves! a legal maxim stating a person cannot consent to unlawful act eg. Relinquish what has already been taken.^{clxxviii}

43. Literature review

Adoption Origins Victoria Inc. has been developing a library of research concerning adoption practices since our inception. We have examined various types of literature for this Inquiry including, peer reviewed articles in journals for adoption professionals, general and institutional histories, circulars, legislation, book reviews, newspaper and periodical articles, conference papers,

Origins Vic Inc. have been contacted by members of what has become known as **“the family”** This was a cult where a Eugenicist Dr _____ from Melbourne University introduced Anne Hamilton Byrne to a cult residing in the foothills of the Dandenong Ranges. Some of its members included doctor’s lawyer’s nurses and one social worker from the RWH who all were involved in provided babies to members for adoption and then experimentation.^{clxxix}

44. Summary

“Adoption has such pervasive and profound consequences, for good or ill (and usually both), that assessing it calls for intelligence, expertise, honesty and compassion.” Judge Richard Chisholm.^{clxxx}



We have provided you with a name, parts of a document, and a litany of use and abuse of both mothers and their children. We contend that many of the adoption agencies and hospitals providing medical services were funded by “Hospitals and Charities” therefore they were answerable to the federal government. In turn the Federal Government was responsible for ensuring that legislation was honored by these institutions and those individuals who were on Federal Government payrolls.

1. Also we contend that the Federal Government was conscious of breaches of the law and failed in its duty to act against perpetrators, be it an individual or institution.
2. We contend that the Federal Departments responsible for the care of our children were aware of the literature regarding disabling behavioral problems in adopted children. We believe they did not take adequate action with that knowledge and failed in their duty of care.
3. Denying mothers knowledge of their legal rights and options.
4. Failing to have regard to, and act in, the best interests of the mother and child by failing to take into account the mothers individual circumstances.
5. Failing to provide professional counseling facilities for the mother prior to, during and/or after confinement.
6. Maltreatment of the unmarried mother – treat her in a cruel and demeaning manner.



7. Failing to make reasonable attempts to ensure that the unmarried mother would enjoy equal opportunity compared to the married mother.
8. Failing to have proper regard to natural law, prevailing domestic and international principles concerning the advancement of human rights.
9. Using both overt and covert method of coercion to obtain consents.
10. Forbidding mothers to either see or touch their babies at, or soon after birth.
11. Promoting adoption rather than warning mothers of the potential harm such a course of action may cause.
12. Introducing the inhumane practice of forbidding eye contact between mother and child with the intention of suppressing bonding – resulting in violent trauma to the psyche of both the mother and infant.
13. Violently interfering in the birth procedure by aggressively removing the newborn before the birth was complete.
14. Preventing lactation by administering medications.
15. Placing obstacles in front of the mother preventing her from seeing the child at birth.
16. Sedating the mothers during labour with stupefying drugs.
17. Hiding infants within the confines of the hospital with the intention of denying access.



18. Shackling mothers or physically restraining mothers during labour to prevent contact with their newborn.
19. Obtaining unenforceable consents from minors, without an adult advocate present.
20. Obtaining consents from mothers who did not understand the implications of the consent form.
21. Preventing mothers for using their right to revocation within the permitted period. Dishonestly advising mothers that their infants had been placed with adoptive parents and therefore were inaccessible.

45. Victoria the Covert State FOI

In NSW the Victims of what has been named as a systemic conspiracy Justice Chisholm have full access to all records including their babies' nursery notes since the introduction of the NSW adoption information act in 1990.

When Origins Victoria requested similar legislation that could assist in recovery for Mothers who had disassociated from the traumatic experience Kennett Government reinforced the secrecy surrounding adoption in 1998 when they revised the FOI act General Disposable Schedule for Public Hospital Patient Information Records, which include restrictions on Private records also.

a. What happened to the Victorian Inquiry and VCAAT

Origins have cultivated a reputation for providing factual evidence and not embellishing a good story. As the convenor of Origins Vic Inc. Mrs Edwards along with the then Secretary Mrs Watson were invited to meet with



and

on February

25th 2002.

Origins presented them with a document listing issues that the committee had unanimously agreed needed the minister's urgent attention, one being the proposed inquiry which had publicly announced had been stalled in September 2000.^{clxxxii}

Another was the issue of the unlegislated and illegal policy adopted by Birth's Death's and Marriages of issuing an *indistinguishable birth certificate* to any person adopted in Victoria This concerned Origins Victoria gravely, because if never informed the adopted person may never know they were adopted, and therefore CSV (Community Services Victoria) ran the risk of a veritable possibility of unlawful adoptions.

Documents gained under FOI show sought legal advice after our meeting.^{clxxxii}

Mrs and Ms scrutinised the list and then came to the point. They had invited us here to consider an alternative to an inquiry. We sat in silence as their proposal unfolded I cannot recall who actually articulated their proposition but I do know Mrs noted all that transpired. The alternative was spelt out as follows
The Government would have someone interview mothers, our stories would be write a book and the mother would be given two free counselling sessions in return.
Silence followed our predicted reaction to the recommendation: Eventually we agreed to take the proposal of what we regarded to be little more than an academic exercise back to our membership.
After consultation with its membership Origins wrote and declined their offer.



Origins were not a small group as claimed by the department or by [redacted] when she led a delegation to meet with [redacted]. Origins have lobbied for this inquiry for nigh on twenty years, unaided, unpaid to support, and advocate on behalf of mothers who have come and gone.

However to keep our issue in the frontline we have organized mental health conferences, attended meetings, seminars, fund raised and in short been beacons of hope principally for mothers who did not relinquish their baby but also for all people affected by family separation in adoption. This is the level of commitment we have shown whilst seeking truth and justice.^{clxxxiii}

There has from our inception been a lot of conjecture about Origins seeking compensation, resulting in [redacted] of ARMs making allegations in an ARMs newsletter claiming Origins would be seen as seeking thirty pieces of silver by our children, however Origins Vic Inc. have never formalised a policy regarding fiscal redress although there had been many ideas floated, including the notion of compensation, or a class action.

Because of the group's frustration with setbacks coming from systemic obstruction and eventuating with [redacted] stalling the inquiry, Origins Vic made enquiries to PILCH (Public Interest Law Clearing House) never the less with a negative outcome, therefore we placed our energy into a quest of what happened to our inquiry, and this resulted the seeking of legal support from PILCH to be represented at VCAAT for documents denied us from the Department of Community Services.^{clxxxiv}



On April 24th 2003 Elizabeth Edwards acting on behalf of Origins Vic made an application under the 1981 FOI Act for all documents relating to the proposed Inquiry into Victorian past practices referred to 1999 Victorian ALP policy, and all correspondence, briefs, emails, memos, and diary entries since October 1999.

Furthermore she requested all correspondence, briefs, emails, memos, and diary entries since October 1999 relating to meetings between the Premier, Premiers private staff or Departmental officers with the organization ARMS (Association Representing Mothers Separated from their Children)

Ms. Edwards was eventually notified that Origins Vic had been exempted from a large volume of the afore mentioned correspondence, therefore she applied to have the application heard in the VCAAT (Victorian Civil and Administrative Tribunal)

There were three hearing's prior to the final tribunal which took two full days. In the second and third proceeding chaired by _____, she laughingly exempted document after document.

Distressed by her conduct Ms. Edwards contacted the Herald sun who sent a reporter to the court, upon his arrival _____ demeanor changed. However she did not release any more documents. The next time Origins attended VCAAT. Mr. _____ chaired the following hearing that lasted two days, and this time we were armed with a Barrister^{clxxxv}

We were no closer to ascertaining why our inquiry had been stalled one week before nine/eleven and then dropped by _____ who replaced



and although we had received a voluminous amount of documents most of them had been blacked out, never the less we did find that Minister Campbell had absolutely refused an alternative to the promised inquiry one week before she was dismissed for supposable sanctioning supervised chroming.

The Department Of Community Services personnel misrepresented Origins Vic by profiling us as a very small group of women, and thereby minimizing the importance of our issue.

Instead they pushed ARMS policy of an alternative to an Inquiry into Civil Crimes in adoption.

representing ARMS led a delegation to the Minister,

is married to

who was

However senior personnel at community services had pre-empted that Origins would refuse an alternative to an inquiry that amounted to an academic exercise.

Realizing that the State of Victoria had a lot to hide, Origins concentrated its focus toward gaining a Senate Inquiry^{clxxxvi}

46. Victorian Indistinguishable Birth Certificate

A birth certificate that is interchangeable is currently issued in Victoria and has been since 1990 when Births deaths and marriages adopted it as a policy it had not been legislated for until 2006. The reason given to Origins for this fabrication is that adopted persons did not want the Post office personnel to identify they were adopted. Origins contend that a birth certificate should not record a lie: Rather an



ingenuous Birth certificate that records the details of a birth and we question the need to change an infant's identity.

Origins advocate an adoption certificate is issued or custodial rights be granted in the family Law court. The flagrant danger with Australia's history of adoption abductions is clear.

One member of Origins answered an advertisement by Anglicare for people interested in becoming foster parents in her local newspaper. When she presented the agency ushered one group into another room. Origins would request the Committee study Victorian statistics for toddler and juvenile adoptions and compare them to infant adoptions then compare these figures to the peak adoption period See Colleen s list.

The Contents of the Director Generals reports and tabled in the Commonwealth Parliament are attached on memory stick^{clxxxvii}

- Who was meant to be advocating for the disenfranchised.,
- Why did they marginalized Mothers and language used
- Who did they advocate on behalf of, and who was their client?
- What they knew but failed to tell us
- "A' Mothers and their "illegitimate" infants



- What law gave permission for authorities to abduct a baby, or place restrictions upon a Mothers right to her own child?
- Crimes in hospital practice
- Who gave permission for medical professionals to administer drugs of sedation and mind-altering cocktails
- Who gave the authorities permission for them to administer cacogenic drugs to prevent lactation
- Source of Duress
- Fraudulent consents
- Crimes in forced adoption
- Father's rights ignored
- Failure of Guardian ad Litem to fully investigate
- Marriage and the false evidence adoptions
- Impacts of adoption
- Victoria's restrictions to Equal Opportunity of Identifying Information Legislation



- VCAT and FOI limitations

Commonwealth Acts Breached

- Commonwealth Crimes act breached
- Hague Convention breached
- Marriage Act breached
- Social services Act breached
- Medical e.g. DES
- Human rights
- Incarceration against a persons will
- The Josephite's and other homes
- Catholic Family Welfare bureau
- ***See included in attachment 1161*** book listing baby homes
- Josephite's and other homes reports
- *see Cheryl Critchley* – Herald Sun articles



47. Conclusion

Who will recognise our rights here in Victoria to information recorded on our medical records? Current legislation in Victoria allows the destruction of our medical files. Who will address a mothers' equal opportunity to identifiable information regarding her adult child lost to adoption?

Who will undertake to attend to and rectify the injustice of present day governments covering up the actions of the past by preventing the truth being told on the flimsy excuse of describing a past Review Of The Adoption Act, an inquiry into past criminal and intentional removal of innocent babies being targeted for permanent separation from their own mothers simply because she was unwed when the government was aware that it was being complicit in crimes into past adoption practices?

That onerous task has fallen upon you and on behalf of all mothers and their children targeted for adoption and separated against their will in Victoria I implore you to carefully consider the facts that have been well researched by Mothers for the past twenty years and that have led to Origins seeking an inquiry for the truth to be revealed and justice acknowledged for.

Despite information conveyed in their own training manuals and adequate warnings offered at the many conferences held by AASW advising Social worker /Almoners of their legal duties they chose to ignore the law. Although , we have met the adult child we may pine for the child we lost at birth the truth is we have been separated from our baby forever and with it went our soul, We were left with a skeleton of self which we had to recreate in order to exist and Origins Vic is certain that Humpty



Dumpty cannot be restored to its original glory, having said that we hope this submission for truth and justice will authenticate the truth as being historical fact and thus give us a measure of peace to sustain us in the autumn of our lives.

However if the lesson of the past is not addressed we can be sure the legislation granting medical practitioners the legal right to determine euthanasia will go ahead and if past adoption practices are an indication, devotees of Dr Nietzsche may well think about his adoption depriving him of a past, he has not reproduced children therefore there is no prospect of a future generation. However he will be in control of many vulnerable not necessarily aged patients.

48. Recommendations

1. That there be a Royal Commission into past adoption practice crimes.
2. That all adoptions should be suspended until more substantial research is completed on the impact of separation on the mother, father, child and others. As a means of addressing problems arising from the absolute destruction of paternal and maternal information. We are now in the age of genetics – the elimination of this information has dire effects in regard to the medical wellbeing and outcomes of the child.
3. That the birth certificate should only record the details of birth. A separate certificate should be issued concerning the adoption.
4. That the Australian Federal Government and their agencies issue a full and frank acknowledgment of their unlawful and harmful practices.



5. That research should be conducted within the penal system and child custody institutions to examine the percentage of adopted persons incarcerated.
6. That the Federal Government make funding available for comparative research studies on the administration of DES, or diethylstilboestrol and the “lytic cocktails” in combination.
7. That the Federal Government creates legislation making available cost free all medical records to the mothers to establish if these drugs were administered and in what doses.



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^{clxix} Unknown Author, "Better For The Babies... An interpretive oral history of the de-institutionalization of infant care at St. Joseph's Babies' Home, Broadmeadows, social enquiry & social work Professional Project, Department of Social Studies, Melbourne University, 1982. p.30.

^{clxx} Disease Patterns in Australia, Medical Journal of Australia, 2,pp 172-176, 1981

^{clxxi} Unknown Author, "Better For The Babies... An interpretive oral history of the de-institutionalization of infant care at St. Joseph's Babies' Home, Broadmeadows, social enquiry & social work Professional Project, Department of Social Studies, Melbourne University, 1982. p.30.



clxxxiv Extract of ARMs newsletter will be sent

clxxxv President Coughlin's: Mr Davies VCAAT documents

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clxxxvii CRIMES ACT 1900 - SECT 40

Unlawfully taking child etc.

A person who, by force or deception, leads, takes or entices away or detains a **child** under the age of 12 years—

- (a) intending unlawfully to deprive another person of the lawful control of the **child**; or
- (b) intending to steal any article on or about the person of the **child**;

