



**Origins Inc SPSA**

**Submission to the Senate Committee on  
Community Affairs**

**Inquiry into Recommendations from Forgotten  
Australians Inquiry 2004**

**This submission has also been contributed to by  
Origins HARP and members of the South West  
Sydney Stolen Generations Support Group**

**This Submission is dedicated to the memory of Dian  
Wellfare, Founder of Origins Inc**

Dian Wellfare was a 16 year old minor when she lost her only child to adoption and was put into an unmarried mothers home like so many other young women. Both she and her child had their legal rights taken away from them by the State of New South Wales. Dian Wellfare was one of the greatest fighters for women's rights, not only in Australia but was also acknowledged throughout the world as one of the foremost authorities on child removal. At the launch of the Lost Innocents Inquiry she was one of the first to be approached by Senator Andrew Murray for information

Dian took the State to Court on four occasions and was time and time again denied justice for the theft of her child. She was later instrumental in calling for an NSW Inquiry into adoption practices. This Inquiry went for two and a half years and

later finding adoption practices in NSW unlawful and unethical. She died on the 16th April at the age of 56 never having seen justice

Dian will be honoured as an Unsung Hero at the opening exhibition of the new National Gallery in Canberra in December 2008.

## **About Origins Inc SPSA Supporting People Separated by Adoption**

Origins Inc was formed in 1995 by a small group of mothers who had lost children to adoption, not only in Australia but also from other parts of the world. This group of women had been previously involved with other groups including Jigsaw, Mothers for Contact, before they formed Origins with the intention of exposing the mental health and legal issues of adoption, and family separation.

Origins being the forerunner and the only independent organisation of its kind in the early 1990s also attracted, supported and counselled with outreach programs for people separated from their families through various forms of confinement in State and religious institutions including ex-foster care leavers. These activities of necessity broadened our base, apart from those people affected by adoption which was our original charter.

Unlike other self help groups, we at Origins, are an independent organisation that has not received funding from Federal, State or Church organisations and relies for the most part upon its membership base and invaluable member volunteer committee for its survival. However, we have accepted financial help from two of the local community sporting clubs being The Mounties and Cabravale Rugby league clubs who graciously paid the rental on our drop-in centre and office for a period.

Origins was founded with the aim of supporting people who had been adversely affected by adoption and family separation, from all of its perspectives whether, that person was a mother, father, sister, brother or grandparent.

And to reiterate, this organisation throughout its existence has been called upon to also support people who have been separated by other means i.e. state and church institutional care, state wards, foster care, Stolen Generations, artificial insemination, and people who had suffered family separation through any other circumstances. This need for information has been instrumental in Origins maintaining a wide broad-based support group both nationally and internationally comprising reports and a large reference library of information on all these issues

Over the past 13 years Origins has also been instrumental in contributing to legislative change and also with input into a number of Parliamentary Reviews, State and Federal Inquiries and other initiatives by State and Federal governments.

We have also held three national mental health conferences on the mental health damage of family separation which included, people separated by adoption, state wardship, indigenous groups, British child migrants and persons conceived by A.I. plus other groups

Origins although initially founded to deal with adoption issues quickly realised that adoption also encompassed a number of contributing factors, and was one of the first independent organisations to not only support these groups but also to take an active part in issues associated with The Forgotten Australians, and was called to give evidence to the 1998 Forde Inquiry Into the Abuse of Children in Qld Institutions

Origins has worked in partnership with other groups, indigenous and non-indigenous, and is currently represented by Mrs Pamella Vernon Souris on the Forgotten Australians Alliance and by Origins Coordinator Lily Arthur on the Stolen Generations Alliance where she is the non-indigenous delegate for New South Wales. We are to our knowledge, the only support organisation that is actively representing on a national level with all past child removal or institutional issues.

Over the years clients identifying as 'Forgotten Australians' who have sought support from Origins have come from backgrounds which have included.

- Mothers who as wards of the state lost children i.e (such as one of the authors of this submission).
- Children who were taken for adoption and because of disabilities etc and who were later placed into care.
- State wards who lost siblings to adoption.
- Mothers who have spent time in homes such as Magdalene laundries awaiting the birth of their babies and forced to work etc.
- Adopted children who were again put into State, and foster care at a later stage etc.

# Origins Services

We have a council office at Bonnyrigg Community Centre Bonnyrigg NSW that we have occupied for nearly 5 years and which we have been asked to share with the NSW Indigenous representative for the Stolen Generations Alliance.

We have played an active part in Sorry Day Celebrations and have helped to organise a number of local events for the Indigenous community.

We provide welfare services such as

- Supplying electricity, gas and water vouchers provided by the NSW State Government Energy Department.
- Counselling and advocacy.
- Welfare relief such as food, clothing, furniture, etc .
- Information and referral to other welfare organisations.
- Searching advice and help and also mediation with reunions.
- Websites, on line chat forums and Newsletters.
- Social events.

Origins has played an important part in the local community with its office acting as a drop-in centre and meeting place for local indigenous and non-indigenous clients, and for the past 4 years we ran local art projects until we were forced to give up these projects earlier this year due to lack of funding.

Due to lack of funding we are moving from our office at Bonnyrigg and will be running this organisation from a private residence from December 2008

## **who are the Forgotten Australians?**

The Senate Committee had defined the “Forgotten Australians” broadly in the terms of reference for the inquiry and now it is becoming apparent to Origins that some support organisations are trying to marginalise groups of former care leavers from being identified as Forgotten Australians. This includes both indigenous and non-indigenous care-leavers, foster care, persons who have spent short times in care or detention, long term training centres and unadoptable disabled children, etc

We believe that this is a deliberate effort to ensure that a selected minority have access to the limited resources being distributed through certain organisations. We have received a number of complaints from former residents that they are being denied support from these organisations because they “don’t fit the values of the organisation”.

Origins asks the question, just what ‘values’ does one have to have? Does the time spent in care, what kind of care and how much abuse the client has experienced, have to be quantified to receive support from an organisation that has been funded by past providers & church run institutions, State and Federal Governments and provides for such a service?

We ask that the committee not only investigate how clients are assessed to qualify for support, but we also ask that the committee demand transparency and accountability for government funding, and that service provision, employment and access in these organisations are subjected to anti-discrimination legislation.

As Forgotten Australians have been subjected to a number of debilitating experiences and are more probably suffering from physical and mental health problems, we demand that any Forgotten Australian who has been denied support from a government funded organisation or group has a right of appeal to the funding body, and that, that organisation or group is to be excluded from any future funding by government if it is found to be mistreating clients.

Origins are more than aware that certain groups have been further abusing vulnerable clients leaving them little or no avenue for support, CLAN being one of these groups

There also needs to be an advocacy body set up to address issues like these so that clients have an independent body to make complaints to about discrimination etc.

## **The Forgotten Australian Alliance**

This Alliance was set up after the conference to network with various groups throughout Australia. It was decided that there was to be representation by a number of existing groups and individuals where a State could not be represented by a group of organisation.

From the inaugural meeting it was apparent to Origins that the committee was not willing to include indigenous Forgotten Australians. It was only on our (Origins) insistence that representation was allowed of an indigenous member to the committee. It has been astounding to say the least that this was an ‘issue’ that had to be argued given that the majority of the Stolen Generations were in institutions across Australia. This attitude does little to promote reconciliation between indigenous and non-indigenous people

Origins has been subjected to more than enough criticism and has on many occasions has had to justify its position on the committee, even to the point where the lack of having a professional looking website was the determining factor of whether or not we were deserving of being named a support organisation for

Forgotten Australians. The Alliance is well aware that we are an unfunded organisation and did not have the capacity to afford to pay for a website to be constructed. This has now been rectified with the co coordinator of Origins learning how to build websites in order to appease the Alliance

This marginalising of Origins representatives on this committee is something that has caused much harm to representatives who themselves are “Forgotten Australians” and still suffer from issues of past abuse and intimidation.

This Alliance was set up (as we believe) as a national group to work on a framework for delivering services to our clients and members. The ideology was that each state representative or organisation was to “work together” for the benefit of all. Instead it has become a situation where CLAN is the dominant group which further treats the integrity of purpose of the Alliance with disdain by withholding information that other groups may benefit from, e.g. the fore-knowledge of and withholding telling the Alliance and other support groups of this Senate Inquiry is at least one instance of arrogating control of the Forgotten Australians issues to themselves.

Therefore we argue that if CLAN is to be the primary organisation to receive future funding, this will not only denigrate the status of other groups such as Origins and Indigenous groups such as the Stolen Generations Alliance but also will not encourage other support groups to help Forgotten Australians

We ask the question, if the integrity of the Alliance is subject to one or two organisations having “all the say” and the dominance over Forgotten Australians, what is the use of other organisations being involved only to be marginalised and their work treated with disrespect?

## **Origins Response to Lost Innocents Inquiry Child Migration Inquiry**

### **Recommendation 1**

**That there should be inquiries at a state and territory level to uncover the truths of the abuse of all children in institutional care.**

### **Response**

**It has been mooted that the Forgotten Australians Inquiry was the final chapter in the issue of ‘Stolen Generations’. Origins would dispute this theory and would like to bring to the attention of the committee the following:**

In a meeting with Lily Arthur in February 2007 in Canberra Senator Jan McLucas Chair of the Senate Inquiry informed her that the Forgotten Australians Inquiry also “covered” adoption as well. On more consultation she agreed that there were more extensive issues with adoption and that it should have an inquiry in its own right

Origins Inc would like to make reference to the above recommendation and to bring to this committee’s attention the issues of past unlawful adoption practices. Adoption separation alone directly affects at the very least 5-6 million persons in Australia. Since Federation there has been an estimated 300,000 women who have lost children to adoption. An estimated 150,000 children were removed from their mothers over the period from 1950 to 2000 when adoption practices<sup>1</sup> at this time had been deemed unlawful by a New South Wales inquiry into past adoption practices. The report “Releasing the Past” was handed down in December 2000<sup>2</sup>.

This NSW parliamentary Inquiry held investigations for two and a half years and received over 300 submissions,. The final report was handed down on the last day of the Parliamentary sitting in December 2000 at 4pm.

This was a deliberate ploy by the government of the day to cover up and minimise one of the greatest human rights crimes to be committed in this State. A response to the report was delivered six months later in a couple of paragraphs in the Daily Telegraph in the light of the various inquiry commissions and submissions on the issues of past Adoption practices

It was also suggested by the Senate Inquiry Committee in the Forgotten Australians Report page 109<sup>3</sup> that there needs to be inquiries at State level to uncover the truth surrounding past adoption practices. Adoption practices have been known to be unlawful for decades and to date nothing has been done at a national level to address this major abuse of human rights.

As signatories to international covenants and the overseeing body of Common law in Australia the Federal Government has a duty to its citizens to investigate the breaches of law by State governments toward the most vulnerable people namely women and children.

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<sup>1</sup> Releasing the Past’ New South Wales Parliament, Standing Committee on Social Issues Inquiry into Past Adoption Practices, Final Report 2000 p 99

<sup>2</sup> Releasing the Past’ New South Wales Parliament, Standing Committee on Social Issues Inquiry into Past Adoption Practices, Final Report 2000 p 104

<sup>3</sup> Forgotten Australians Report 2004 Senate Community Affairs Committee, p109

The issue of unlawful adoption practices was brought to the attention of the Human Rights Commission in 1984<sup>4</sup>.

On Wednesday 29<sup>th</sup> October on the Channel 7 Sunrise show when she was being interviewed about Find My Family as shown on adoption reunion, a worker from the (PARC) Post Adoption Resource Centre let slip that “They told mothers their babies didn’t survive and were later adopted out”.

PARC is a NSW government funded organisation and has told the nation that the NSW Government has basically kidnapped these children and gotten away with it by declaring this practice as a kindness. This statement now brings into question **all** stillbirths in public hospitals.

Origins Inc therefore puts the onus on this Senate Committee to not only address the recommendation of the Child Migrant and Forgotten Australians Inquiry but to also take into consideration the Bringing them Home report and finally to form a Senate Inquiry to investigate past and present adoption practices.

Adoption practices has caused not only suicide and major mental health damage but premature death from mental health illness such as in case of Dian Wellfare, she was a mother who’s grief not only debilitated her for many years but also caused her premature death and there are many more Australian women and adoptees who have suffered a similar fate

Organisations such as Origins will not rest until these issues have been dealt with.

We would also make mention here that question 15 of the NSW HSC examination “Community and Family Studies”, asks the student to “Explain the unique challenges that adopted children and their social parents may experience”. The answer to this question is simple .....mental health, suicide and identity are the most frequent problems

If adoption was not one of the most contentious issues in today’s society these questions would not be included in a major exam paper.

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<sup>4</sup> Human Rights Discussion Paper No 6 1984 “Rights of Relinquishing Mothers to Information Concerning their Adopted Children. Human Rights Commission Canberra



# **Origins Response to the outcomes of the Forgotten Australians Inquiry**

It has now been 4 years since the recommendations of the Forgotten Australians Inquiry and Origins would like to make comment on its observations of the outcomes from this Inquiry.

Since 2004 the support, services and funding to assist Forgotten Australians has been poor to say the least in comparison to services extended to Indigenous Stolen Generations organisations, which also receive limited support.

As an organisation that works in partnership with Indigenous groups it is realistic to say that services and funding across the board leaves a lot to be desired.

Mental health service provision has also been virtually non-existent with few practitioners being able to competently address the major mental health problems of people suffering from traumas associated with their experiences.

## **Recommendation 1**

The Commonwealth issue a formal statement and apology acknowledging, on behalf of the nation the hurt, distress and systemic abuse suffered by many of the children in institutional care

## **Response**

Since the release of the Forgotten Australians Report the current Federal Government has apologised to the indigenous Stolen Generations but has not acknowledged Forgotten Australians. These have shared not only similar experiences but also time in the same institutions as the Stolen Generations. Non-indigenous care-leavers have expressed disappointment to this organisation (Origins) that they had been overlooked as a group and feel that their experience of abuse has been dismissed by the Federal Government

## **Recommendation 2**

That all State Governments and Churches and agencies that have not done so issue formal statements acknowledging their role in the administration of institutional care arrangements and apologise for the physical, psychological, social harm and sexual abuse caused to the children

## Response

Whilst the majority of States, and some Churches and agencies have apologised to Forgotten Australians for physical, mental and sexual abuse and neglect, the States, Churches and agencies still remain accountable for other unlawful practices which includes forced adoptions of the new-borns of State wards, false imprisonment, assault, and unlawful taking of new-borns, making them State Wards, sterilisation, administering of and experimentation with drugs including stupefying and carcinogenic drugs also the use of electronic diodes attached to the genitalia of young boys and girls in the experimental prevention of bed wetting methods etc.

Although evidence of sterilization in women is documented, it now appears that there are cases of adoptees who have also experienced similar “castration and sterilizations” with experimental drugs that were not authorized by the Dept of Health and Aging. Such drugs of an “experimental” nature were allowed to bypass the National Biological Standards Laboratory. So far, only one death of an adoptee exposed to such experimental drugs has been declared.

Other experiences included “adoptees” with “open consent” to medical procedures. Such procedures have never been disclosed to recipients.<sup>5</sup>

A list of the crimes will be attached to this submission which were committed against not only Forgotten Australians but also minors and young women put in care in institutions such as unmarried mother homes and as unpaid workers in private residences, hospital in-patient waiting rooms etc.

This organisation believes that not only State Government, Churches and agencies are accountable but because of the wilful breaches of Common Law by State Governments and as signatories to International Covenants on Human Rights etc the Federal Government also has responsibility to people who have been abused by these institutions.

Origins Inc therefore asks the Senate Community Affairs Committee to form a committee to investigate past, present, and future adoption practices to ensure lawful and ethical practice in local and inter-country adoption

## Recommendation 3

### Response

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<sup>5</sup> Michael O’Mera Origins Victoria and Hansard Link

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;adv=;db=;group=;holdingType=;id=;orderBy=dateFirtst;page=0;query=hormone%20castration;querytype=;rec=3;resCount=Default>

Origins Inc agrees to this recommendation that all states and territories review limitation legislation so that ex- care leavers should not be treated any differently to any other victim of crime or negligence.

## **Recommendation 4**

### **Response**

Origins Inc does not agree to this recommendation. We believe that perpetrators would be rewarded for their abuse of victims and would be the determiners of the levels of abuse and how much should be compensated leaving victims at the mercy of having to argue for a decent amount of redress. Origins has mediated on a number of 'Toward Healing mediations and finds it demeaning to victims to have to haggle for a few extra dollars for essentials such as medical, dental or counselling expenses

## **Recommendation 5**

### **Response**

Origins inc agrees with this recommendation.

## **Recommendation 6**

That the Commonwealth Government establish and manage a national reparations fund for victims of institutional abuse in institutions and **out-of-home** care settings

### **Response**

As stated before, this organisation works with not only Forgotten Australians but actively works with members of the Stolen Generations, and the Stolen Generations Alliance. We are aware that reparation funds have been set up in Queensland, Western Australia and Tasmania, each fund being different in amounts of reparation etc. However States where there is no reparation leaves the victims of abuse feeling worthless and devoid of a sense of justice.

In 2007 members of the Stolen Generations Alliance, Valerie Wenberg, Mary Hooker and Lily Arthur<sup>6</sup> spoke to Mr Paul Lynch the NSW Minister for

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<sup>6</sup> South West Sydney Stolen Generations Support Group

Aboriginal Affairs on two separate occasions on the issue of redress for the Stolen Generations.

The Minister's response was that as the State of NSW "had no money" for compensation that it was up to the Federal Government to establish a fund for victims. This blatant buck-passing was publicly stated at a number of indigenous events, and was intended to cast responsibility onto the Liberal Government at that time to set up a redress and compensation fund.

In February 2008 as a 'condition' of social acceptance for the current Federal Government (Labor) to apologise to the Indigenous people, the Government stated that the apology was to be given without any kind of redress to victims. This action has caused Stolen Generations who believe in reparations to lose hope for any kind of social justice.

According to NSW Government statistics there were an estimated 6425 children removed from their families, from 1883 to 1969. This number includes "uncontrollable, delinquent, and light cast children<sup>7</sup>". Given the life expectancy of indigenous peoples, the number that would be entitled to claim redress would be quite small in comparison to non-indigenous claimants. We recommend that indigenous Forgotten Australians are given immediate access to redress in order to enhance their life's needs

Origins Inc recommends that States that are not financially competent such as NSW to provide redress schemes should be supported by the Federal Government to do so as a redress scheme overseen and distributed by the Federal Government would ensure that the "victims" did not have to return to their abusers for justice.

Having to do so would allow continued cover-up, systems abuse and deny the victims natural justice. In the words of a client, "it is like going back to your rapist for a pap smear test". Do we say that abusers should consider if compensation is appropriate and if so how such compensation should be administered?

## **Recommendation 7**

### **Response**

Origins does not support this recommendation. Having been a 'support advocate' for a number of mediations we have found the client once again becomes traumatised in personally having to deal with the very organisation that abused

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<sup>7</sup> The Stolen Generations, The removal of Aboriginal Children in NSW 1883-19679 Peter Read, Sources minutes of the Aborigines Protection Board, State records NSW, Managers and Matrons Reports -Kinchela and Cootamundra Homes State Records, NSW, NSW Department of Youth and Community Services- Survey of Aboriginal Children, G.R.Caton 1969

them in the first place. We have on a number of occasions found the process of “mediation” not much more than an episode of haggling with nuns who have minimised the clients experience and have declared that they are ‘poor’ and cannot provide any more than a token gesture.

We do however believe that if they are to provide counselling, that it should be provided by an independent body. We also believe that it should be unlawful to coerce clients sign confidentiality agreements concealing any payouts and crimes committed against the client if the client chooses to expose their experience

There should also be open reviews of allegations of abuse and full disclosure albeit, websites, media,etc

## **Recommendation 8**

### **Response**

Origins believes that there should be a National Children’s Commissioner. Although there are Commissioners in various states some of these positions are little more than ‘toothless tigers’ with little or no authority to deal with past abuse allegations of children. We found this situation in Queensland where the Commissioner could not investigate allegations of past abuse of children

We believe that an office of a National Children’s Commissioner should be established to oversee and advocate the welfare of all Australian children as well as those who are being brought into Australia through adoption. The recent Indian child stealing scandal where the State seems to be ‘at odds’ of what to do, should be the incentive to appoint a Commissioner. Origins is also aware that stolen children from Asia have also been brought into this country, note the following from the Queensland media

## **Qld govt probe illegal Indian adoption**

Courier Mail October 15, 2008 - 9:43AM

The Queensland opposition wants the state's misconduct watchdog to examine the government's investigation into an Indian adoption agency suspected of child trafficking.

The federal government is conducting an audit of Indian adoption agencies that deal with Australia, after a Queensland couple learned their adopted nine-year-old daughter was allegedly kidnapped and sold to an agency in 2000.

They had adopted the girl through the agency, Malaysian Social Services, with the approval of Indian, Australian and state authorities.

The Queensland government audited adoptions from India during the period in question, and is also cooperating with an Indian investigation.

Child Safety Minister Margaret Keech this month said the previous Goss government had been warned about the agency in 1995, but why the warning was not followed up was a "mystery".

Opposition child safety spokeswoman Jann Stuckey Wednesday said weeks were going by with no word on the investigation, and she believed the government hoped it would be forgotten.

Ms Stuckey said she had asked the Crime and Misconduct Commission (CMC) to examine the government's handling of the case and whether there had been any interference with public documents.

"I was truly shocked to read that warnings about ... Malaysian Social Services had almost certainly not been acted upon," she said.

"Adding to my concerns was the less than adequate response from the minister who could only say that a lack of recorded data was a mystery.

"It's way more than a mystery. It is sounding more like a grim secret."

A lawyer representing the girl's birth parents has written to the Child Safety Department, seeking permission for a meeting to end their "emotional pain".

## **Recommendation 9**

### **Response**

Origins agrees with this recommendation

## **Recommendation 10**

Origins agrees with this recommendation

## **Recommendation 11**

## **Response**

Refer to Positive Justice Council Submission

## **Recommendations 12-16**

### **Response**

Origins believes that all records pertaining to ex-wards, adoptees and Stolen generation should be housed in the National Archives for preservation as part of the nations history and that any organisation that wilfully destroys records be dealt with under the ‘destruction of evidence’ code

We also believe that State and NGO organisations provide services to locate and assist clients with the recovery of records and information [it has been stated by a member of CLAN that on a visit to the Department of Community Services – Sydney they were advised that the basement was a storage area for files listed as miscellaneous and that many of these files had been placed there because staff couldn’t be bothered filing them – this situation must be rectified] That a register such as Birth, Deaths and Marriages be kept by government for future access by subsequent applicants for family history

Access to the above information should be freely available to clients and to researchers who are interested in documenting historical statistics etc

## **Recommendation 17**

That all agencies, government and non-government, which provide access to records for care leavers ensure adequate support and counselling services are provided at the time of viewing records. And funding for independent counselling services be provided for those care leavers who do not wish to access services provided by a former care agency

### **Response**

We note that the Australian Government provided \$100 000 as a one off payment to Care Leavers of Australia (CLAN) for counselling support. This payment should have been designated for all Forgotten Australian clients who accessed CLAN for support and not restricted to CLAN members alone, as should any

funds that they receive from states & federal government, because nowhere in the senate report was there stated that to recipient to funding be predicated upon membership to any supporting group or organisation.

This organisation (Origins) has been approached by a number of clients who complained that support was not offered unless they became CLAN members. The majority of clients having come from a low socio-economic background found it difficult to find the membership fee for access to support also due to past institutional experiences, they have a adverse reaction and abhorrence to becoming a member of any establishment or organization.

Origins has existed at Bonnyrigg for just on 5 years with voluntary workers and has run on a budget of about \$5000 per year with the exception in 2003 where a worker was paid for two days per week to co-ordinate a number of projects, including a national mental health conference.

Origins has approached local, State and federal governments for funding on a number of occasions and has been rejected each time. We have been fortunate to get funding on 3 occasions from local Sports Clubs, the first time in 2003 getting funding of \$24,000 for a part time-worker and administration costs. In 2005 funding of \$2000 dollars for rent and administration was received and in 2007 we received a grant of \$4000 for rent and administration costs.

We believe that it is offensive to the morality of a civilised society that a local football club should have to fund organisations that are trying to fix the damage of people who have been abused by State and church, and it is a sad indictment to these authorities that this is in fact the case

The outcome of this situation has been that we have been unfortunate not to get funding in 2008 and we are being forced to close our council office at Bonnyrigg in December. This will leave a large gap in community services not only to the local indigenous community but also to Forgotten Australians, and people who are affected by adoption and also the local community who have come to rely on us for welfare support

It is our recommendation that the Federal Government provide funding to **all** independent NGOs that support Forgotten Australians, on the proviso that they comply with transparency and financial accountability, and that **funded** organisations such as CLAN, etc who receive tax-payer funds, support clients without discrimination, in a non-judgemental way and do not insist on clients having to join as a member, before being deemed eligible for support

And where local organisations provide services and are visible in the community **We recommend that all levels of government including Local State and federal fund Care leaver groups for services.**



## **Recommendation 19**

That the Commonwealth fund a national conference of service provider, advocacy and support groups with the aim being to establish a professional national support and advocacy body for care leavers, also to administer independently any forms of redress that may subsequently be forthcoming and that it be linked with the Alliance for Forgotten Australians, the Stolen Generation Alliance [which qualify as Forgotten Australians] also with overseen support of self help groups such as Origins, Vanish, The Esther Foundation, Lotus House, HAN, CLAN, and the individual members and their proxies of the AFA, New South Wales, Victoria, Queensland, Australian Capital Territory, Tasmania, Northern Territory, Western Australia South Australia and that this body be funded by the Commonwealth and State Governments and Churches and agencies.

## **Response**

Origins would like to inform the committee that information of the national conference to address the formation of a support body was not conveyed to us at Origins given that as an organisation we were the forerunner of support for care leavers and we had contributed a number of submissions to the Forgotten Australians Inquiry .

Origins found out by accident that in fact this conference was to take place and was fortunate enough to be able to attend. It was not only surprising that there was such a large representation of approximately 200 State and church agencies but also the lack of representation by Forgotten Australians who numbered about 12.

Origins was allowed one representative to attend but asked if the position could be divided so that Origin's State ward Co-ordinator Pamella Vernon-Souris could also attend to have input into the proceedings. It was a humiliating experience that Origins Coordinator Lily Arthur and Pamella Vernon-Souris were hunted out of the conference room like recalcitrant school children when both of them were in the room at the same time. It was to set the tone for the way this organisation has been treated by the subsequent Alliance that resulted from the conference

As stated earlier it is also concerning that our indigenous brothers and sisters have not been equally represented. I will note here that the Stolen Generations Alliance (patroned by former Prime Minister Malcolm Fraser and Lowitja O'Donahue) has an indigenous delegate from each state accompanied by a non-indigenous delegate

from each state as well also that Lily Arthur has been invited to be the non-indigenous delegate for NSW on the National Stolen Generation Alliance.

## **Recommendation 20**

### **Response**

This recommendation has not been enacted to its full integrity, and to our knowledge apart from CLAN and maybe one or two other support organisations there has been no funding to other support groups for their most basic needs to service clients

Origins is a long standing respected, national and international organisation whose committee is comprised of trained professionals in welfare, law, mental health and social issues.

Since the Inquiry began the behaviour towards us by of other ‘support’ organisations leaves a lot to be desired. There is a culture and a mentality between ‘support’ organisations that have been recruited onto the Forgotten Australians Alliance that unfunded organisations not only have to justify their participation but also their rights to represent a variety of clients with varying issues.

This organisation receives many **day-to-day** requests from the Stolen Generation and Forgotten Australians, etc for welfare help such as counselling food, medication, healing seminars, recreational, basic skills learning and workshops etc. We have been desperate to help such people and have applied to FACSIA some time ago for Emergency Relief Aid to assist these people and still have not received aid.

Common sense would tell the government that welfare begins at a grass roots level where people are affected on a day-to-day basis. This is where funding should be focused. Why do organisations such as Origins have to justify receiving funding to do the most good at the ground level? It is worth mentioning again, that Origins has been the only past care provider that has conducted three two day national mental health conferences, again being supported on a shoe-string funding, however, the success of these initiatives has been publicly acclaimed by mental health professionals, past care providers, and peer support groups who were all included without exception, whereby the papers can be accessed on our website.

We will note here that welfare organisations set up to provide assistance are often also run by the perpetrators of past abuse and clients are once again reluctant to approach them for support

All organisations and groups should work to the benefit of those that have placed trust in our vision, and we must do what we can, not for our own benefit, and at the expense of others.

Those organisations who receive government funding and discriminate against people who have been affected by past abuse should be penalised through anti-discrimination legislation

Origins believe that dignity, self-determination, healing and justice is not the sole right of one group at the expense of others. In order that all may share in reconciliation and justice and hopefully move on to healing, recovery and self-determination being the focus of the government in response to funding should take into account everyone regardless of race or experience.

## **Recommendation 21**

### **Response**

Origins believes that not all services to clients should be provided by ex-perpetrators. Whilst some non-government organisations may be empathetic to ex-care leavers we do not advocate that victims return to the abuser for support.

We do however believe that organisations that have been responsible for past abuse contribute to independent support organisations to provide non-judgmental and empathic support to clients

## **Recommendation 22**

### **Response**

This recommendation goes without saying. Care leavers should be able to access services in any State regardless of where the abuse happened and each state should contribute along with the federal government to provide national support.

## **Recommendation 23**

### **Response**

This organisation has researched the lifelong mental health damage of these groups for over a decade and a half and the amount of material written on the psychiatric and emotional damage of these issues is well researched, documented and preserved by our organisation.

Currently services for these groups are not only very thin on the ground, but also do not address the major mental health difficulties suffered by these people. In many cases the services provided by inexperienced mental health workers has increased the emotional and psychological trauma to a state where future help is refused and subsequent self-abuse is the result.

The very few funded organisations that were set up to deal with these clients are not qualified or professional enough to deal with people presenting with major mental health problems. In states such as Queensland clients are “counselled” by the very government departments responsible for the damage.

Or as in the case of New South Wales, and other states, benevolent institutions are also responsible for counselling clients. These are also institutions that were responsible for the harm caused to their clients.

Not only it is well known by State governments and church and benevolent societies, that they have caused or contributed the major mental health damage to their clients but it is well known by the workers within those organisations that they, the employees do not have the capacity to deal with the extent of this major problem in our society.

There is also a danger of self help support organizations, ill equipped, without mental health professional acumen working at the coal face with the subsequent effect of causing further damage and abuse to those who apply for help only to be further traumatised, bullied and abused all over again, this has been apparent by the reports we have received from many of the clients that finally contact Origins, suffering from what they perceived as the most unlikely people to be the cause of them re-visiting the past pain and injustices by “those who were the victims of the systemic abuse that the FA senate report was intent on providing support for.

Therefore we believe that each State and the Federal government should work towards not only addressing the widespread groups that this organisation supports, but also recruit independent organisations to provide services to those who have been affected

On behalf of Origins Inc. SPSA our organisation would like to make the following submission into the provision of services and suggestions for people affected by the above issues. We would also like to offer some suggestions on how to move people on to regaining self worth, identity, dignity and self determination.

## **RE: Point One**

**Ongoing efforts should be made towards improving mental health services in Australia, with reference to the National Action Plan on Mental Health agreed upon at the July 2006 meeting of the Council of Australian Governments, in particular examining the commitments and contributions of the different levels of government with regard to their respective roles and responsibilities.**

A Truth Commission on the crimes committed against citizens of this country is needed.

It is established that when abuses or deprivation of civil liberties by governments have been acknowledged, the climate is right to deal with the issues that come from the exposure of such human rights crimes, hence the need for a National Inquiry to gauge the level and degree of physical and mental health damage

This will also enable the present child separation and adoption and inter-country adoption practices to be fully investigated. Input into the relevant and necessary changes to these practices can come from those affected by separation or adoption in the past and present so that the damage done in the past is not repeated nor ignored.

The financial cost of this action is far less than the cost of inaction. The financial burden placed upon the health system as a result of past adoption, state ward, inter-country adoption practices as well as the Aboriginal Stolen Generations is huge and ongoing. People who come from a broken home seldom have lasting and meaningful relationships. This creates a cycle of broken families and the affects are passed on from generation to generation.

Some of the resulting emotional and psychological issues are:

- Depression, self abuse, anti-social and violent behaviour
- Inability to create emotional connections and relationships
- Domestic violence
- Alcohol and substance abuse
- Relationship breakdowns and divorce
- Suicide
- Psychological and emotional child abuse

These are only a few of the emotional and psychological issues placed in the hands of inexperienced mental health workers and the health system.

**Point 2 (d) Identifying any possible remaining gaps or shortfalls in funding and in the range of services available for people with a mental illness.**

Currently there are few, if any resources to inform professionals on the effects of past abuses of State and religious institutions. Some of these abuses to name a few cover the range of:

- Physical and sexual abuse
- Emotional and mental health abuse
- Institutional abuse
- Torture and trauma
- Depersonalisation
- Identity deprivation
- Slavery
- Neglect
- Medication abuse
- Forced operations
- Solitary and unlawful confinement
- Kidnapping
- Assault
- Ritual abuse

These are some of the issues that survivors of the above groups have to deal with on a day-to-day basis

**Origins Inc would like make the following recommendations for service provision in helping those affected**

- Specialised counselling for torture and trauma victims
- Detailed information documenting psychiatric injuries of clients to be distributed throughout the national health system
- Specialist mental health professionals equipped to deal with childhood abuse
- More research and funding into the issues of those affected by past abuse
- More funding for independent community based organisations to help and support clients at a local level
- More help with issues of housing, alcohol and substance abuse, and mental health problems
- More awareness by correctional and prison authorities into the over representation of clients in jails and detention
- Freedom of information and access to medical and social records
- Government funded informational record search facilities and lawful access to all records regardless of institutional liabilities and policies

- Financial support from the government to help with the costs of overseas stays, travel and record searches for inter-country, cross-cultural adoptees, birth parents and adoptive parents
- Provisions in the international visa and immigration treaties to allow extended visas for inter-country and cross-cultural adoptees to complete searches and cultural exploration.
- Government funding for training and ongoing support for mental health workers to help with resolving the relationship issues created by adoption and the ongoing affects this has on families.
- Government funding for the creation of an education package for prospective adoptive parents with ongoing support
- Required training of health care professionals in the areas relating to adoption, state ward and Aboriginal stolen generations.
- Sensitivity training for all departments that deal with those involved in adoption, state ward and Aboriginal stolen generations, so that issues are not reinforced but are resolved with understanding.
- A special visa that allows residency and reunion for children who were adopted and taken overseas before the order is finalised, and overseas birth mothers who's adopted children migrated to Australia.
- **Services for members of the Stolen Generations submitted by Mary Hooker, Representative for The Stolen Generations Alliance**
- More female indigenous counsellors
- Training existing Link up counsellors in trauma remedies
- Home visits by counsellors to elderly clients
- More funding for indigenous organisations that provide cultural counselling
- More funding for traditional native therapy programs
- Access to mainstream mental health resources. i.e information material specific to Stolen Generation issues
- More information to to be provided to Indigenous people de-stigmatising mental health "labelling"
- More access to Freedom of Information
- Specialist services for children who are being removed in today's society
- Research in to drug and alcohol abuse and the over representation of "Stolen Generations" in prisons, etc

**Furthermore** Origins believes that general counselling is neither appropriate nor sufficient for ex-care leavers, adoptees etc because these people have been affected by psychiatric disturbances, which are not treatable by un-professional and general counsellors. We therefore recommend that psychiatric services be provided under Medicare with no limitation of visitations to psychiatrists. The federal government should fund national mental health conferences along with specific information to be distributed to health professionals

## **Recommendation 24**

### **Response**

This recommendation goes without saying that more courses be made available due to the number of persons affected by past abuse. Practitioners should be specially trained in trauma and torture and child abuse and cultural i.e indigenous issues

## **Recommendations 25-28**

### **Response**

Origins agrees that a program should be provided that would provide funding for specialist health care inclusive of mental, physical, and dental and aged care. Also specific literature on drug and alcohol related issues focussing on ex-careleavers should be widely distributed

## **Recommendation 29 – 30**

### **Response**

As care leavers are aging, this recommendation would or should be accessible to those care leavers who feel the need and have the capacity to access these services.

## **Recommendation 31**

### **Response**

This recommendation can be included in the national census for statistical purposes.

## **Recommendation 32**

### **Response**



Origins does not endorse clients being treated as a sub-group. Services to clients should be specific but not discriminatory as in making clients feel lesser than the 'accepted norm'

### **Recommendation 33**

#### **Response**

Origins agrees that care-leavers should be able to access welfare, housing and community services. These services should be accessible by referral and through funded support organisations that would provide government with research data and policy recommendations for improvements to services for clients

### **Recommendation 34**

#### **Response**

Memorials are an important reminder of past events and acknowledgment of persons who have suffered. We believe that suitable funding for memorials in the form of plaques etc should be allocated to places of significance where either those institutions still exist and those places that no longer exist, so that people can return to the place where they can access their memories and move on. Quiet places should also be installed in public reserves an example being the Stolen Generations memorial at Mt Annan in NSW

### **Recommendation 35**

#### **Response**

As the issues of child separation directly affects millions of Australians, Origins agrees that there should be a permanent exhibition of child institutionalisation, removal and separation at the National Museum. There should also be a permanent museum in places such as the former Girls Home at Parramatta where events such as reunions etc can be held on a regular basis. There should also be travelling exhibitions and speakers delivering talks throughout schools in Australia.

### **Recommendation 36 - 38**

#### **Response**

The Australian governments State and Federal should fund the National Library and other institutions to document care-leavers history as it has done for the Stolen Generations and a weekly program such as “Message Stick “ on TV would also be a good venue for recording stories in conjunction with other publications.

## **Recommendation 39**

### **Response**

Origins welcomes the initiatives of the Federal Government and hopes that even more input to education will be committed to this recommendation

# **Attachment to this submission of the breaches of Common Law by State governments and non-government agencies in relation to adoption crimes**

## **Crimes Against The Mother**

### **Above And Beyond The Law. What They Did To Us. Bullying, Drugging and Emotional Blackmail.**

1. Denying mothers all knowledge of their legal rights and options.

*Ultra Vires Law. Breach of Duty of Care. Unconscionable Behaviours. Breach of Statutory Law. Element of Conspiracy to Defraud.*

2. Failing to have regard to and to act in, the best interest of the mother and child by failing to take into account the mothers individual circumstances.

*Breach of duty of care.*

3. Failing to provide mothers with professional counselling prior to confinement.

*Breach of Duty of Care. Breach of Fiduciary Duty of Care.*

4. Maltreatment of the mother and treating her in a cruel and demeaning manner.

*Violation of Human Rights. Breach of Duty of Care. Breach of Fiduciary Duty of Care. Unconscionable Behaviour. Ultra Vires Law.*

5. Failing to make reasonable attempts to ensure that the unmarried mothers treatment was equal to that of a married mother.

*Violation of Human Rights. Discrimination on the Grounds of Marital Status. Breach of Duty.*

6. Failing to have any proper regard for the natural law and prevailing domestic and international principals concerning the advancement and protection of human rights.

7. Forbidding mothers to leave the hospital until their records were marked with the term "socially cleared" indicating that they could only leave the hospital after they had signed a consent.

*Unconscionable Behaviour, Ultra Vires Law, Conspiracy, Duress, Fraudulent Misrepresentation.*

8. Introducing the inhumane practice of forbidding mothers eye contact with her child to prevent bonding, resulting in violent trauma to both the psyche of mother and child.

*Violation of Human Rights. Breach of Duty of Care. Unconscionable Behaviour.*

9. Forbidding mothers either to see or touch their babies until they signed a consent.

*Ultra Vires Law, Unconscionable Behaviour, Coercion, Violation of Human Rights, Violation of Statutory Rights, element of Conspiracy to Defraud.*

10. Promoting adoption rather than warning mothers of the potential harm such a course of action may cause them.

*Breach of Duty, Unconscionable Behaviour, Breach of Statutory Law.*

11. Violently interfering in the primal act of birthing procedure, snatching infants from the mothers womb before birth was complete, whilst bound in stirrups and awaiting the expulsion of the placenta.

*Unconscionable Behaviour. Ultra Vires Law. Element of Conspiracy to Defraud. Violation of Human Rights.*

12. Placing sheets in front of mothers to prevent them seeing their babies at birth.

***Unconscionable Behaviour, Breach of Duty of Care.***

**13. Forbidding mothers to see their baby.**

***Ultra Vires Law. Unconscionable Behaviour. Coercion. Violation of Human Rights. Violation of Statutory Rights. Duress. Element of Conspiracy to Defraud.***

**14. Preventing lactation by using the synthetic hormone Stilboestrol, known to be carcinogenic since 1971, or by the method of breast binding, all without written consent.**

***Common Assault. Trespass to the Person. Violation of Natural Law. Violation of Human Rights. Unconscionable Behaviour.***

**15. Sedating mothers during labour with what were known as lytic cocktails (used medically to obliterate feelings). These cocktails consisted of Phenobarbitone, Pethidine, Sparine, and Largactyl. Post-Hypnotic memory altering barbiturates such as Phenobarbitol, Sodium Amytil, Methadone, Heroin and Chloral Hydrate were also the order of the day.**

***Criminal offence under s38 of the Crimes Act, Unconscionable Behaviour, Conspiracy to Defraud.***

**16. Hiding child within the confines of the hospital and denying mothers free access to their babies although she was the sole Legal Guardian of her child.**

***Conspiracy to Defraud, Criminal offence under s91. Taking child with intent to steal. Violation of Statutory Law. Violation of Human Rights. Violation of Natural Law. Breach of Duty. S.90A Kidnapping.***

**17. Transporting mothers by ambulance, whilst heavily sedated to different hospitals without their babies, and without their permission.**

***False Imprisonment (common law offence), Element of Conspiracy to Defraud.***

**18. Shackling mothers to bedheads during labour with either leather straps attached to chains or bandages. Physically restraining mothers from seeing their babies immediately after giving birth.**

***Common Assault, False Imprisonment, Unconscionable Behaviour, Ultra Vires Law, Violation of Human Rights.***

**19. Informing mothers their babies had died at birth when in fact they had been adopted.**

***Fraudulent Misrepresentation, Unconscionable Behaviour, Element of Conspiracy to Defraud, s91, Taking a child with intent to steal, s90 Kidnapping. Violation of Human Rights, Intent to Deprive Owner Permanently.***

**20. Showing mothers the wrong baby after signing a consent to ensure no bonding takes place.**

***Unconscionable Behaviour, Violation of Human Rights, Fraudulent***

***Misrepresentation, Element of Conspiracy to Defraud.***

**21. Taking consent from mothers prior to or upon birth and post dating the date the consent was taken- to the legally required day five.**

***Unconscionable Behaviour, Fraudulent Misrepresentation, Ultra Vires Law.***

**22. Using overt and covert methods of coercion to obtain consents to the adoption of child.**

***Undue Influence. Coercion. Duress. Unconscionable Behaviour.***

**23. Inducing mothers to sign incomplete documents of consent to adoption, to fill in further details later.**

***Fraud. Unconscionable Behaviour. Ultra Vires Law.***

**24. Taking unenforceable (and therefore invalid consent from a minor) consent only becoming valid at the age of majority which was 21years of age, reducing in the early 1970s to 18 years.**

***Fraud. Unconscionable Behaviour. Ultra Vires Law.***

**25. Expecting an unskilled minor to sign a legal document without an adult or legal advocate present and without them understanding the legal interpretation of the document they were signing.**

***Unconscionable Behaviour. Breach of Statutory Law.***

**26. Not informing the mother of the thirty day revocation period.**

***Unconscionable Behaviour, Fraud, Intent to Deprive Owner Permanently, Breach of Duty of Care, Breach of Statutory Standard.***

**27. Employing non-skilled and non-licenced staff to conduct legal transactions, prepare legal documents and interview unmarried mothers without knowing the law. (To shift the blame away from themselves, Social Workers are now declaring that as many as 80% of people working in the adoption industry were non-professionals)**

***Ultra Vires Law, Breach of Duty of Care.***

**28. Not advising young mothers of the permanent nature of adoption. Many young mothers had no idea that they would never see their baby again until they contacted the agency in order to claim their baby, or went to get their baby upon leaving the hospital after signing.**

***Breach of Duty of Care.***

**29. Preventing mothers from exercising their legal right of revocation within their legally permitted time by advising them their child had already been adopted when it had only been placed in an interim placement that was not legally**

binding.

*Element of Conspiracy to Defraud, Unconscionable Behaviour, Ultra Vires Law.*

30. Promising that which could never, in effect, be guaranteed i.e. an ideal life for our children of which was argued that we could never provide. As Welfare states "Upon reunion, the astounding level of emotional neglect, violence against, psychological and sexual abuse of our children from infancy and beyond bears witness to that particular deceit". "In the best interest of the child" was the tool to pry newborns from their mothers.

*Misrepresentation, Unconscionable Behaviour.*

31. Marketing the healthy white newborn baby.

*Ultra Vires Law, Unconscionable Behaviour.*

32. Rapid adoptions.

*Ultra Vires Law, Breach of Duty of Care, Element of Conspiracy to Defraud, Kidnapping.*