

To: The Senate Community Affairs Committee

Dear Honourable members of the Senate Community Affairs Committee,

Submission to the Community Affairs reference Committee in relation to the Inquiry into the Commonwealths Contribution to former forced adoption practices of the past.

I am a Lost Bird or Split Feather.

This is name given by the American Indians to persons who were removed from their people and adopted out. I am a late discovery adoptee who was unable to meet his true mother and only knew his true father for thirteen short months before his death.

However, I will not regale you with stories of the emotional turmoil and near nervous breakdown that occurred whilst seeking out and meeting true family. I will leave that to others whom have far worse stories than I can ever dream of. My submission is based on the files and statistics I have managed to read from the National Archives of Australia and other sources which shows that whilst past administrations did go to great lengths to show they had no constitutional role in the adoption processes that took place in Australia from the 1930's until at least the mid 1980's they did help to facilitate co-operation from the states on ensuring some common grounds were established.

Nobody knows just how many adoptions have occurred in this great country since federation. This simple fact alone is a national disgrace. A nation that does not know what is happening statistically is a nation lost. In 1969, the Commonwealth did start to compile yearly statistics. In 1970/71 there were 9798 adoptions. The population of the time was 12,507,343 and there were 276400 registered births. The adoption rate at the time was one per very 1250 citizens and when compared against registered births it was 3.54 percent. There was no way the Commonwealth if it had an interest in its citizens should have allowed the widespread disbursement of infants and others on such a large scale. And whilst there are no statistics to prove it these large scale activities had gone on for over 40 years prior to the release of the statistics I have referred to. To top this off there is no way 9798 mothers in one year would have collectively relinquished their children, whom they had carried for nine months without some form of coercion. It goes against all that is known about the maternal instinct. The inquiries in Tasmania and NSW have confirmed this occurred and the apology by the Western Australian government only reaffirms this contention. The question before this inquiry is just how much the Commonwealth knew about and why did they not take action to bring the states into line. Just maybe they agreed with what the states were doing and decided to quietly let things go on. But by not taking action the commonwealth may be guilty of knowingly allowing illegal activities to be conducted at state level. Common law has never given ignorance of the law as an excuse for not following the law. At the very least the commonwealth was guilty of ignorance. But there is some evidence that the Commonwealth may have been aware of some illegal activities.

On the 28th March 1950, The Hansard for the house of representative records that the

member for Hoddle, Mr John Cremean advised the house in an adjournment speech that he had become aware of the selling of babies to childless couple through doctors and other parties. He expressed concern that this was an illegal activity and sought assistance from the Commonwealth Government to help stop such activities. He was supported by his party leader, Mr Arthur Calwell, who asked the minister of the Interior to assist. The Minister of the Interior then advised that whilst it was a state matter he would refer it to the Minister for Health Earl Page. To date we have been unable to find a response from the Minister for Health.

This Hansard entry provides evidence that the alleged illegalities in the states had been brought to the attention of the Government. Whilst the commonwealth had no jurisdiction over the States, they did have financial leverage to help the states to do the right thing. Having successfully taken over the states income taxing powers, the Commonwealth would have been in a position to use the allocation of monies by the commonwealth to the States to assist the states into coming to the realisation that they should ensure all aspects of the law regarding adoptions was correctly applied. If they had I am sure the number of adoptions would have shrunk.

Perusal of files on the National Archives of Australia website has also highlighted how the government help to facilitate state law amendments so that adoptions in one state or territory were legal in other states. The files listed on the archives website as Series A431 Control Symbol 1949/1537 highlights the federal government involvement in facilitating amendment of state and territory laws between 1940 and 1949 so that adoptions are recognised between states. Even the country Women's Association of Australia requested that the commonwealth introduce laws relating to adoption Australia wide. The attorney general of the period was correct to point out that adoption laws were state matters. But the file does show federal government involvement with the states on adoption laws. By facilitating an agreement to bring state laws into line in relation to recognition between states, this would have made it easier to transport vulnerable young girls between states for the purposes of childbirth. I have no doubt the commonwealth had further indirect involvement with states on matters relating to adoption.

For example the file listed on the National Archives website as Series A461 Control Symbol B355/1/1 shows that in 1950 the Queensland Government requested that the Commonwealth Department of Social Services cease asking adopting parents for evidence of adoption. The department had been asking for the evidence to carry out due diligence checks to ensure no double payments were made for the same child. The Commonwealth government issued instructions to the Department of Social Services to cease the practice. Maybe if the department had been able to carry out due diligence checks they may have come across the fact that many young ladies were signing consent to adopt forms without the necessary written consent of their guardians/parents as they were under the age of majority (21).

There are many other files held at the National Archives of Australia but as of this date they have not been checked and opened. No doubt with time they will be held to the light of day.

My submission to the inquiry is that whilst the Commonwealth did not have constitutional authority over the adoption programmes that took place with such devastating consequences, they were equally morally responsible for quietly letting the

states ignore all state laws and protections of Australian citizens. One of the consequences can be shown by one simple item. The Melbourne Age reported on 30 June 1993 that Brother Alex McDonnell a Jesuit priest and youth worker with the homeless in St Kilda advised that of the 145 drug related suicides of youths between 1983 and 1993, 142 had come from adoption backgrounds. Every Australian is responsible for this horrific statistic as they had allowed their governments to treat fellow Australians as second class citizens with no rights and no ability to receive informed advice. Based on the 1971 number of adoptions it could be reasonable to assume that over the period 1940 to 1971 there could have been over 310,00 adoptions which means there were over 310,000 mothers who have suffered a lifetime of emotional trauma many of whom are still suffering in silence. There was also a severe lack of support and counselling for these mothers. When you add on families, children of adoptees the number of people who have been affected by adoption could easily reach over 2 million Australians. Someone needs to tell these people that the actions of all governments and non government agencies of the past was wrong and in some cases illegal.

The commonwealth government could go some way to healing the minds and spirits of all those affected by just acknowledging that the nation was wrong, that these people had done no wrong and that they have paid too high a price for the demand of a society hell bent on giving barren couples children. The commonwealth could also ensure that there are specialised services to assist victims so that in the later years of their lives they can live in peace. Recently I emailed Beyond Blue (a government funded organisation) to see if they would start looking at providing specialist advice in relation to the depressive effects that people affected by adoption suffer. I thought that as they have specialist areas in relation to youth and rural folk, they would see the value of providing specialist services in relation to adoption. There has not even been an acknowledgement from Beyond Blue

Some American Indian tribes now have “wiping the tears” ceremonies so that lost birds or split feathers returning to their tribal nation can begin to heal the spirit. We in the western world have tribal leaders too. They are called politicians and they govern the people. We the people, who have been affected by past actions from our leaders, now ask our leaders, of whom the Commonwealth government is recognised as the supreme leader to hold our own “wiping the tears” ceremony so that all of us affected can begin to heal. On a personal note I also wish to advise that as a result of my limited investigation into the adoption practices I had a need, based upon the knowledge obtained to go back over the limited personal records available to me. From these records i could ascertain that it was highly likely that my adoptive parents had in fact purchased me in a manner described by the member for Hoddle back on 28 March 1950 in his adjournment address. That speech was made on month after I was born and 16 days prior to the application to adopt me was made and also 16 days prior to the Order of Adoption being made. So you can all imagine just how this submission has affected my views towards the memory of my adoptive parents.

Finally, I would like to place in this submission a paragraph my brother John asked me to put in. I only met John in 2008 and in total we have seen each face to face only twice in our lives. But John has firsthand knowledge of how the action taken against our mother affected her all her life. He saw the emotional turmoil she suffered around the time of my birthday. He saw the fear in her eyes when trying to decide if to meet me or not. I never

saw that because the fear was too great and now I will never have that opportunity to meet the woman who was forced to give so much. So it is only fitting that the last words should be his.

“I believe that the stolen generation was not the only injustice forced upon the young of that era by both state and federal governments, the other being the “Purchased Generation”. However, although the hands of these governments are not directly dirtied by the action of welfare agencies, they are just as guilty through the act of blindness and with no doubt at times, corruption.”

I thank the Committee for allowing me to present my submission

Yours Sincerely

Murray Roy Legro who was born Kerry Michael Clark
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