

## **PERSONAL SUBMISSION TO SENATE COMMUNITY AFFAIRS INQUIRY:**

### **Commonwealth contribution to former forced adoption policies and practices.**

My name is Marie Yvonne Coleman. I am a resident of the Australian Capital Territory.

During the Nineteen Fifties and through to my retirement from the Commonwealth Public Service in 1994 I was professionally involved with a range of social policy areas which have given me an overview of the changes in public attitudes to unwed pregnancy and to public policies bearing on this matter.

In retirement I have remained involved in public social policy most notably through the National Foundation for Australian Women. However, this is not a submission on behalf of the NFAW.

This submission will attempt to outline some of those matters as they bear on the current inquiry.

#### **Background:**

I was educated at the University of Sydney, (as a cadet with the former New South Wales Child Welfare Department) as a professional social worker. I hold the degree of Bachelor of Arts (Social Sciences) and the Diploma of Social Studies. As a student social worker I was familiar with the practice of adoption in New South Wales, and the laws relating to care and protection of minors, including the commonly used charge of exposure to moral danger used with girls and young women under 18 years of age.

I became the Medical Social Worker at the Preston and Northcote Community Hospital (PANCH) in Victoria in 1966, and was involved in the practice of adoption from that hospital. I became actively engaged with the work of the professional association, the Australian Association of Social Workers (AASW), and with the work of the Victorian Council of Social Service (VCoSS).

In 1968 I became the Director of the Victorian Council of Social Service.

During this period in Victoria I was actively engaged in the establishment of the Family Planning Association of Victoria; in making submissions to various Commonwealth inquiries and Parliamentary Committees inquiring into matters such as care of people with chronic conditions, care of the aged, the need for development of a national health insurance scheme; the successful campaigns to induce the then Commonwealth Government to introduce the Child Care Act 1972, the States Grants Home Care Act 1969, the first Commonwealth Nursing Home benefit in 1969, and more. I was awarded a travelling scholarship by the West German Government to enable me to visit that country and explore some aspects of public social policies in that country.

In 1973 I was appointed as Chair of the Interim Committee for the Australian Government Social Welfare Commission, subsequently the Chair of the Commission after the passage of enabling legislation. In 1976 I became Director of the Office of Child Care in the (then) Department of Social Security. Subsequent roles included Head and Special Adviser in the

Social Welfare Policy Secretariat, First Assistant Secretary in the Department of Health and (Acting) Director of the Australian Institute of Family Studies.

### **The Historical Setting: Australia in the Fifties and Sixties.**

One of my vivid personal memories of growing up in the first half of the last century in country towns and villages of New South Wales was the strong moral disapproval of any form of sexual impropriety... girls who were too free in their relationships with boys were described as ‘fast...no better than they ought to be...’, girls were ‘caught’, unwed pregnancies led to shot-gun marriages or to a disappearance ‘to visit relatives inter-state’, a term covering a period living in a city home for unmarried mothers until the baby was born and an adoption arranged.

I recall visiting some of the Homes circa 1950-52 as a student social worker...the Convent of the Good Shepherd operated a commercial laundry with the services of the girls...I recall also the painfully high linoleum gloss and the smell of floor-wax at the Salvation Army Home for Unmarried Mothers...it was the role of the NSW Child Welfare Department field staff to ascertain the name and age of the father when a girl was under age, so that he could be prosecuted, and as well to set the adoption processes in train. The girl might also be charged with being exposed to moral danger, and taken into State care.

Other specialist staff interviewed and selected prospective adoptive parents. Adoption was the only means for infertile couples to have a family.

Families might sometimes take the infant in and pretend it was a late pregnancy of the girl’s mother, and the child grow up not knowing of true familial relationships. The shame of unwed pregnancy was enormous.

Few doctors would offer advice on contraception to unmarried women. Back-yard abortions flourished. Young women died of septicaemia from botched abortions. Contraceptive advice and options were not widely available for married women. Many women would resort to surgical contraception such a tubal ligation to prevent further unaffordable or unwanted pregnancies.

Women who were widowed or divorced with children were entitled to Commonwealth Widow’s Pensions.

Unwed women with a child were not entitled to any income support. In the case of a woman who had been living with a man for a period of around five years who became separated or whose partner died might be eligible under certain circumstances for a de facto Widow’s Pension.

In either case there would be the relevant support payments and health care benefits for herself and the children of that union. But no such cover was provided by the Commonwealth for a subsequent child out of wedlock.

I had direct experience at PANCH of counselling a woman in just such a situation. She had been a de facto Widow with three children. She had formed a subsequent short-term attachment with a man who left her when she became pregnant. The Commonwealth covered the costs of her attendance as an Out-Patient at PANCH and her actual confinement, but not

the daily costs of the infant in the babies' ward. The Commonwealth paid Child Endowment for the fourth child, but would not pay the ongoing child allowances for the fourth child. She had no occupational skills to go to work to support the additional costs. She reluctantly decided to surrender the child for adoption purely on economic grounds.

In another instance I was called to the Maternity Ward early on morning to deal with the issues surrounding a young woman of sixteen who had been brought to the hospital overnight by her parents carrying an infant with the umbilical cord still attached. The parents had been unaware of the pregnancy...reported that she had 'walking into our bedroom around midnight carrying the bay, crying, and saying she didn't know what had happened, she had stomach pains and produced the baby'.

Since she had clearly become pregnant before her sixteenth birthday, there was police interest in the possibility of unlawful sexual intercourse by an adult male with a minor female. The girl declined to nominate a partner and the police retreated.

Since she was already sixteen the child welfare authorities decided to take no action on the grounds of exposure to moral danger. The parents were unwilling to have the infant return to the family. The girl had no means of living independently and supporting herself and the child. The infant was surrendered for adoption.

In both instances the women were reluctant to surrender their children but considered that they had no alternative course of action.

It was certainly the case that moral disapproval of unmarried pregnancy extended to the nursing profession (yet surprisingly large numbers of trainee nurses would disappear from live-in nurses homes attached then to the hospitals never to return), and this could lead to differential treatment of unmarried girls in the hospital setting. Most hospitals had arrangements with adoption agencies who handled the actual placements, some such as PANCH did their own adoptions through the Almoner Departments. Adoption papers would be ready to be signed almost immediately post-delivery, injections would be given to ease the rush of breast milk, and the infant removed from contact with the mother. The unmarried mother would then be returned to the public ward, where she lay surrounded by women nursing their own new-borns until discharge.

The adoption agencies and the relevant health professions tended to regard unmarried motherhood as a type of pathology... 'good girls' didn't have such problems.

### **Winds of Change- the Sixties**

There were, of course, young women with supportive families, or young women of spirit who pushed against the prevailing moral censure, the intrusive role of police and child welfare authorities, and who wanted to be able to keep their babies.

The history of the Council for the Single Mother and her Child (Attachment A) sets out some of the story of those women.

I was at a meeting of the AASW in Melbourne, I think in 1970, on the topic of adoption practice, when the late Eric Benjamin rose to his feet, and introduced to the astonished members Rosemary Kiely, an actual unmarried mother, as a demonstration that the discussion

ought to recognise the normalcy of unmarried motherhood. Rosemary established the first Parents without Partners network in Melbourne- later the Council for the Single Mother and her Child.

Campaigning began, strongly supported by VCoSS, for access to Commonwealth income support payments for unwed mothers, and reform of the provisions of the Widow's pension related to children subsequent to those at the time of granting of the pension. Peter Cullen, recently Private Secretary to E.G. Whitlam, MHR Leader of the Opposition, but by now a professional lobbyist, took on the cause.

This was also a period when there was a growth of self-help movements- the original Nursing Mothers Association formed to encourage mothers to breastfeed at a stage where this was not encouraged in many maternity hospitals. Bodies such as Sane came into existence. Community welfare agencies began to engage service users in the management of services. It was the great period of social unrest, The Swinging Sixties.

It was the period of the Second Wave Women's Movement, and of the Vietnam Moratorium movement.

### **Change Occurs**

After its establishment in 1973 the Social Welfare Commission strongly supported the cause of sole parent pensions.

The Sole Parent Pension was introduced by the Whitlam Government Minister The Hon. W.G. Hayden MHR in , I think, 1974.

The Gorton Government had introduced the Child Care Act in 1972, through the Hon. Billy Snedden MHR, Minister for Labour and National Service but the change of government occurred shortly after proclamation of the legislation. The function moved from the Labour to the Education portfolio.

The Whitlam Government established an Interim Committee for a Pre-Schools Commission in the Education portfolio, and subsequently referred to the Social Welfare Commission the means of expanding access to child care. The report was given to the Government during the 1974 election, and subsequently the Interim Committee for a Children's Commission was established in the Department of Prime Minister and Cabinet.

Mr Whitlam's Government also introduced Commonwealth funding for the Family Planning Associations in each State and Territory, and put the oral contraceptive onto the Pharmaceutical Benefits Scheme, thus bringing contraception within much easier reach- although it remained hard to access in rural Australia.

The Interim Committee for the Children's Commission, then chaired by Mr A.J. Ayers, introduced grants to not for profit childrens' homes to assist them to re-configure as outreach family support services. The shut-down of many such homes was nation-wide, other than for children with severe physical, intellectual, behavioural or psychiatric disabilities.

Finally, I should mention the attitude changing film supported by the Australian Film Commission's Women's Film Fund in 1975, based on a true story written by Dymphna

Cusack- 'Caddie, the Story of a Bar-maid' (Attachment B ). This tells the story of a woman of true grit, a working class woman, and her battles to bring up her children after her husband deserted them. She needed protection from child welfare authorities and support through income security not then available- and her story even in 1975 was an eye-opening for many middle class women actively seeking their entitlement to return to work, to return to education, to participate equally in society, hopefully paid equally while they were about it.

Statistical data no doubt readily available to the Committee from the Australian Institute of Health and Welfare will demonstrate that a temporal link exists between the introduction by the Commonwealth of these various measures and a startling drop in the number of domestic adoptions.

Closely correlated with that drop was a rise in the demand for inter-country adoptions to meet the demands of infertile couples.

In my view it can be shown that the Commonwealth Government has played a major role in responding to changing social attitudes and introducing policies supportive of women which have had the effect of reducing the incidence of adoptions unwanted by the majority of unwed women.

Funds have been provided to assist reuniting adult children with the birth-mothers,

States and Territories have shifted their positions more gradually...the practice of charging girls with 'being exposed to moral danger' ceased in some jurisdictions as late as the Nineteen Eighties. Newer forms of concern about the sexual exploitation of minors have replaced the earlier concerns about unlawful sexual intercourse between 'consenting/willing' parties.

Society still finds it difficult to deal with sexually active young women, legally minors but now able to access sexual and reproductive health services.

Adoption has always been around meeting the needs of infertile couples who want to have a family, as well as responses to the needs of children whose birth mothers have not had sufficient supports to care for them, or who in some cases have not wanted the child.

Adoption is a very Western approach to caring for children, developed at a time when the growth of psychological analysis of behaviours was dominant. Fostering with extended family is the more common practice in emerging nations and indigenous communities in Australia

Recently, inter-country adoption has come under a cloud as a consequence of dubious practices by some inter-country adoption agencies.

There has been a growth of medical interventions to assist infertile couple to have children, as well as increasing attention to the laws related to surrogacy.

Whether the Commonwealth should have a role in the future *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* is beyond the scope of this submission.

That said, caution is required about the use of the term ‘forced adoption’ .....the practices were sometimes abhorrent to contemporary sensibilities, so too was societal punishment of women pregnant outside wedlock.

Marie Coleman PSM

24 February 2011.

### **Terms of Reference**

That the following matters be referred to the Community Affairs References Committee for inquiry and report **by 30 June 2011:**

- (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.

### **ATTACHMENT A**

<http://www.csmc.org.au/?q=history>

#### **History**

##### **CSMC Booklet**

To commemorate the CSMC 40<sup>th</sup> Anniversary Celebrations in 2009 we have created a booklet which contains edited versions of all the speeches given on the night. The booklet records this important milestone and the speeches detail a brief history of CSMC. [Click here](#) to view. To be sent a copy call 03 9654 0327 or outside Melbourne on 1800 077 374

#### ***A rights philosophy, not a welfare philosophy.***

The late 60s was a period of extreme change. Self-Help action groups were providing the foundation for members of the community to raise their demands on issues that were important to their lives. Attitudes towards marriage and sexual relationships were changing across all social classes. The pill was readily available. Many young people were deciding to live together as there was more a focus

on relationships and sex than marriages. Feminists were loud in their call for economic independence for women.

However, many single mothers found the 60s a contradictory experience. Despite the changes, it seemed that the different morality for men and women remained and flourished. The negative attitudes towards single motherhood was resilient. Many parents refused to support their daughters who became pregnant outside marriage. CSMC has heard many stories of women who were forced to relinquish their babies, otherwise their families would disown their daughters.

There was little income support for single mothers, either through the Commonwealth Social Security System or through services provided by the states. Under the Commonwealth Social Services Consolidation Act (1947-1970), the mother of an illegitimate child [was defined] as a person who does not qualify for any other pension, benefit or allowance, who is unable to provide for himself and his dependents without assistance. These women would sometimes be entitled to special benefits at the discretion of the Director General, however the rate was not to exceed that of sickness benefits and was usually varied according to age. In effect, women could receive special benefits for a period of 12 weeks before the birth of a child and six weeks after (this may be exceeded if a woman was prevented from working due to breast feeding).

The only Commonwealth benefits for which single mothers were automatically eligible were the Maternity Allowance, on the birth of a child, and child endowment, a non-means tested payment to all mothers with dependent children, irrespective of their marital status.

It was the commitment, passion and determination by a group of Victorian single mothers which led to the formation of CSMC. They themselves had experienced the prejudice and discrimination due to their status of being either single mothers or relinquishing mothers. They started meeting at each others homes to explore what groups existed that supported women in this situation.

First, these women looked at The Supporting Mothers Association as a possible lobby group. This group had been formed in Adelaide in the early 1960s and a Victorian branch was set up in 1966. The focus was to support divorced and separated women, however their main focus was on the support of monogamous marriage and the belief that the nuclear family was the only sound basis for raising children.

Then, they looked at the Melbourne based Parents without Partners, which was assisted in its formation by Social Worker, Eric Benjamin. This group was open to all sole parents, however it did not meet the specific needs of single mothers as its main focus was to provide the chance for single parent to socialise and not to effect political change.

In late 1969, one of the members placed an advertisement in the *Melbourne Herald* inviting women to a meeting with the intention of forming a NEW ORGANISATION for single mothers. A large group attended, many remained silent, but it didn't take long to determine what their role would be - working within a self-help model with the aim of supporting single mothers as well as advocating Social and Legal Reform. Thus, the Council for Single Mothers and their Children was born.

Melbourne journalist Rosemary West (then Keily) was elected as its first (unpaid) Coordinator. The work was quickly decided on: THE NEED FOR A SUPPORTING PARENTS PENSION AND THE REMOVAL OF DISCRIMINATORY LEGISLATION.

In 1972, CSMC employed their first paid staff member who was employed as an Accommodation Officer. Prior to this, they received small grants to carry out specific projects. In 1973 the Aims and Objectives of the Council were formulated:

1. To ensure that any child born out of wedlock has a fair start in life.
2. To promote the understanding and acceptance of single mothers and their children in the community so that they will be free from economic, social and legal discrimination and prejudices.
3. To offer practical assistance and emotional support to single mothers during and after pregnancy, whether the child is kept by the mother or adopted, by:
  - (a) providing an accommodation service;
  - (b) distributing information services available to, and the legal rights of, single mothers;
  - (c) providing emergency childminding and transport services;
  - (d) providing emergency financial help where there is no other source.
4. To provide the opportunity for single mothers to meet and assist each other.
5. To press for better services, both for single mothers who keep their babies and for those whose babies are adopted.
6. To encourage the further education, practical competence and self reliance of single mothers.
7. To encourage the interests of fathers in the welfare of their child/ren.
8. To conduct and participate in surveys and research projects on the position of the single mother and her child in Australia.
9. To co operate with existing organisations and agencies who assist single mothers.
10. To encourage and support the formation of associate Councils in all states and the establishment of country groups both interstate and intra-state.

The election of the Whitlam Labour Government in 1972 and the commitment of the responsible Minister, Bill Hayden led to single mothers being included under the new Commonwealth Widow's Pension Scheme (1973) on the same basis as all other unsupported mothers. CSMC were clearly instrumental in bringing about this change. Members spent several days lobbying politicians in Canberra and gaining huge support from individuals and Welfare Organisations across Australia. At this point, CSMC had around 1,700 members in Victoria alone, which clearly demonstrated that the issue of income support was drawing momentum. Less than a year of campaigning had brought the most dramatic change to the Australian social security system since the 1947 constitutional referendum.

These changes also marked a new stage in social acceptance. The council was also pushing for legislative reform at the state level in regard to discrimination against illegitimate children. The issue was as important to CSMC as was the issue of income support. In Australia, illegitimate children did not have the same rights as legitimate children to inherit from their parents because of an 1873 English common-law ruling which restricted the meaning of the word 'children' in a deed or will to legitimate children. Only South Australia gave ex-nuptial children the right to inherit from their



fathers. In other states, unless they were named in the will, ex-nuptial children had no claim. Three states also gave them no rights to inherit from their mothers.

CSMC continued their work in the area of Law Reform. Their campaign to abolish the concept of illegitimacy and to remove both the term and related discriminatory laws from the statute books had been met with some success. By the late 1970s, all Australian States had introduced laws which removed discrimination against children in varying degrees.

The National Council for the Single Mother and her Child (NCSMC) was set up in 1973 and originally included single mother organisations in other states such as CSMC Queensland, CHUMS in New South Wales, CSMC Canberra, Tasmania and Western Australia, and CSMC Victoria. At the National Conference the following motion was carried unanimously:

***That the aims of NCSMC are best achieved through the operation of a nationally organised body, therefore we move that this organisation continue to function. In coming to this conclusion, it is simultaneously recognised that it is both valid and advantageous to have a national arena of operations.***

Throughout the 70s and 80s CSMC was managed on extremely limited funding and resources, obtaining grants from various government bodies, mainly from departments within the Department of social security and small grants from various Trusts and later from Community Welfare Departments.

The organisation has never really moved away from their original mission statement in that CSMC's functions include: the development of social action, self-help, mutual support and the education of the community along with professional workers, and more importantly, work from the notion of a rights philosophy and not that of a welfare philosophy.

**Sources:**

CSMC ANNUAL REPORTS AND SCARLET LETTERS.

*ACTION SPEAK - Strategies and lessons from Australian social and community action. By: EILEEN BALDY & TONY WILSON.*

**ATTACHMENT B**

<http://www.hyperhistory.org/images/assets/pdf/cadpdf.pdf>

[http://www.cinephilia.net.au/show\\_amovie.php?movieid=2638](http://www.cinephilia.net.au/show_amovie.php?movieid=2638)

★★★ **Caddie** (Douglas Crombie, 1976, Australia)

Rating: M Running time: 106 minutes

A commercial and critical hit in its day, making back nearly AUD\$3m on a budget of AUD\$400,000, this story of a strong-willed woman in the 1920s and 30s bringing up 2

children alone after her husband runs off is one of the signature works of 1970s Australian film.

As with so many of the films of this era there is a self-consciousness about the delving into the past that manifests itself in extended scenes of the fashions of the time. Indeed, although a well-produced film **Caddie** tends to over-indulge in the descriptive but, well-done in its historical aspects as this is, to fail to come to grips with the dramatic aspects of Caddie's story, making the film feel unnecessarily long as it rambles from one stock scenario to the next. Helen Morse who won the Best Actress AFI (she also picked it up the previous year for **Picnic At Hanging Rock**) as well as the San Sebastian Film Festival award for the same is charismatic as Caddie, whilst Jackie Weaver and Melissa Jaffer provide convincing support as her behind-the-bar buddies. The male members of the cast fare less well, with John Ewart in particular turning in an exaggerated performance as an SP bookie and Jack Thompson still building up steam. Based on real events, the story of Caddie was written by Dymphna Cusack as *Caddie, The Story of a Barmaid* (1953), the real "Caddie" having been her maid. Joan Long who wrote this, her first feature film script, went on to co-produce **Puberty Blues** with Margaret Kelly. The film was made with the assistance of the Australian Film Commission's Women's Film Fund.