

Chapter 1

Introduction

1.1 On 15 November 2010, the Senate referred to the Community Affairs References Committee an inquiry into former forced adoption policies and practices. The motion covered more than just the terms of reference for the inquiry:

(1) That the Senate:

(a) acknowledges the recent apology given by the Western Australian Parliament to those mothers whose children were removed and given up for adoption from the late 1940s to the 1980s; and

(b) notes that policies and practices resulting in forced adoptions were widespread throughout Australia during that time.

(2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 30 April 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.

1.2 Originally intended to report by 30 June 2011, the large volume of submissions and the complexity of the subject led the committee to seek extensions for its work, first to 21 November 2011, and then to 29 February 2012.

1.3 The committee advertised the inquiry online and in a national newspaper, as well as writing to a range of governments, organisations and individuals, inviting submissions. The committee ultimately received submissions from 418 individuals and organisations, including large volumes of archival material from some of them. The committee also obtained and published a range of additional information, correspondence, and answers to questions placed on notice with witnesses. The submissions and other evidence published are listed in Appendix 1. The committee also has files of correspondence that it has considered, but has not published.

1.4 The committee held ten public hearings, visiting every capital city except Darwin. The hearings and witnesses are listed in Appendix 2. The committee also made use of a range of documentary records, discussed later in this chapter.

Treatment of evidence

1.5 An inquiry into a topic such as forced adoption elicits sensitive evidence that can raise a range of issues for the committee and for the witnesses. The committee had to decide how to handle documents provided to it. The main principles that the committee was concerned to apply were:

- Not accepting material that did not bear on the committee's terms of reference;
- Observing the Senate's requirements for the protection of witnesses;
- Not prejudicing individuals' capacity to pursue legal action;
- Not intruding on the privacy of either witnesses or third parties; and
- Not publishing material that could affect individuals unless it was relevant to the inquiry.

1.6 The main consequences were that the committee acted to ensure:

- protection of the privacy of individuals, through keeping submissions confidential or withholding the name of the submitter or witness if they asked;
- protection of the privacy of third parties, through the removal of some names, dates and places from submissions or evidence; and
- that private records of individuals, such as hospital records, birth certificates and adoption papers, were not published.

1.7 While much of this private evidence was not published, it was still considered by the committee and helped inform its understanding of the issues.

1.8 Copies of some key documents were provided by several different witnesses. In those cases where the committee believed it to be in the interest of the inquiry to accept these, it accepted just one copy of the document.

The language of adoption

1.9 Adoption is a difficult subject to write about in a manner acceptable to everyone affected by it. Forced adoption even more so. Mothers who were forced to give up children for adoption generally reject the terms 'birth mother' or 'biological mother', and some reject 'natural mother'. The preferred term is often simply 'mother'. However, this may be unacceptable to an adoptive mother who has raised a child. The same applies to fathers. In a similar way that many submitters to the inquiry find the term 'relinquishing mother' insulting and inaccurate, many adoptive parents reject the term 'adopters'.

1.10 Some people who did not grow up with their natural mothers and fathers also raised the issue of language with the committee. People who were born in 1950s–70s, and are now middle aged, do not appreciate being referred to as 'adopted children'. Others do not favour the term 'adoptee' either.

1.11 The committee sought to write in an unbiased way that clearly differentiates between the parties to adoption. In doing so, the committee needed to balance its awareness of the sensitivities of language with its need to communicate to a wide audience that includes people who have no prior knowledge of the issues discussed in this report.

1.12 Wherever possible in this report, the committee has used the term 'mother' to refer to a person who has given birth to a child. However, in situations where further clarity is needed, it has used the terms 'natural mother' and 'adoptive mother' to make a distinction between these parties. Similar distinctions are drawn between 'natural fathers' and 'adoptive fathers', and 'natural parents' and 'adoptive parents' where necessary.

1.13 The committee has used the terms 'baby' and 'child' when describing adoption processes concerning babies and children. However, when referring to people who were adopted and are now adults, the committee has used the term 'adopted person'.

1.14 The committee appreciates that there may be some people who will remain dissatisfied with the language of its report, but has identified this approach as the best possible balance between sensitivity for individuals and clarity for a wider audience.

The scope of this inquiry

1.15 This was an inquiry into the Commonwealth contribution to former forced adoption policies and practices. The nature of the Commonwealth's role is the subject of subsequent chapters. The committee wishes to begin by explaining the subject of its inquiry and how it has approached its report.

1.16 Adoption is 'the legal process which permanently transfers all the legal rights and responsibilities of being a parent from the child's birth parents to the adoptive parents'.¹ For some adoptions, the adoptive parents are people known to the child, and may be relatives of the child. These are referred to as 'known' child adoptions. Of the other adoptions, some are of Australia children (local adoptions), while others are intercountry adoptions. In Australia in 2009–2010, there were 412 adoptions, of which 129 were 'known' child adoptions, 61 were local adoptions, and 222 were intercountry adoptions.²

1.17 Adoption as it is now understood is a peculiarly twentieth century phenomenon. Modern adoption essentially did not exist until the late nineteenth century. It became widespread only in the mid-twentieth century and has since been in rapid decline. A short account of how adoption worked during the period of concern to the committee is found later in this chapter. Chapter 2 examines in more detail the evolution of adoption during the early part of the twentieth century and the social circumstances in which it took place.

1.18 This inquiry was about **forced** adoption. This committee has not been asked to examine adoption practices other than in the context of force or coercion. This

1 New South Wales Department of Families and Community Services, *Adoption*, http://www.community.nsw.gov.au/parents_carers_and_families/fostering_and_adoption/option.html (accessed 21 November 2011).

2 Australian Institute of Health and Welfare, *Adoptions Australia 2009–10*, AIHW, Canberra, December 2010, p. 44.

inquiry began with the premise, set out in the referring motion, that policies and practices resulting in forced adoptions were widespread throughout Australia in the post-war period. The committee believes it to be incontrovertible that forced adoption was common. It occurred when children were given up for adoption because their parents, particularly their mothers, were forced to relinquish them or faced circumstances in which they were left with no other choice.

1.19 There were many different ways in which forced adoption occurred. Chapters 3 and 4 relate the accounts presented to this committee. These accounts ranged from experiences of being physically shackled to beds, to social workers failing to advise mothers of government payments that may have been available to support them to keep their child. Some people who were adopted as a result of forced adoption, and who gave evidence to this inquiry, reported painful childhoods living with their adopted families, sometimes including experiences of abuse.

1.20 This inquiry was about **former** forced adoption. Australian adoption law and practice changed rapidly from the late 1970s to the early 1990s, mirroring rapid social change in that period. Almost all the issues that were raised with the committee concerned adoptions that took place between the late 1950s and the mid-1970s. The committee did not, in general, consider current adoption law and practice. However, many submitters argued for changes to current adoption laws and practices, and the committee did consider these in the context of the second part of its terms of reference, namely any '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'. In the final chapter, the committee also reflects on lessons to be learned from past adoption practices that may be relevant to current policy challenges.

1.21 Because this inquiry has focussed on events that took place 35 to 50 years ago, it has made extensive use of accounts provided by parents typically in their 50s to 70s, and of adopted people now in their 30s or 40s. The committee acknowledges the long period of pain and frustration that many people have experienced in seeking recognition of the issues they have raised, and the suffering they have experienced.

1.22 The time that has elapsed since the events in question has had consequences for the availability of evidence. The committee heard of cases where records had been lost or destroyed over the intervening period.³ There are almost certainly no officers responsible for policy and administrative practices in the 1960s still working in government agencies. Some institutions involved in adoption during the period in question no longer exist. The committee examined a range of legislation, submissions and archival documents to help it understand past practices. The material is described later in this chapter, and its use is most relevant to Chapter 6 and 7, which review the development of uniform adoption laws in the early 1960s.

3 For example, Uniting Care Wesley Adelaide Inc and Uniting Church of South Australia, *Submission 376*.

1.23 This inquiry was about the **Commonwealth's contribution** to former forced adoption policies and practices. Adoption has been, and remains, a responsibility of the state and territory governments, and the relevant laws are state and territory laws. The operations of state and territory laws, state and territory-funded organisations, and private organisations operating under state or territory jurisdiction, are outside the scope of this committee's work, but inevitably emerged as issues during the inquiry.

1.24 The Commonwealth's role has generally been indirect, but not insignificant. The committee paid particular attention to two areas of concern. First, the Commonwealth has since the 1940s taken primary responsibility for providing a range of social security benefits. Eligibility for these benefits has affected the options available to parents, particularly single mothers, if they have been considering whether to keep a new baby or surrender him or her for adoption. This is considered in Chapter 5. Second, the Commonwealth took a lead role in reform of adoption laws in the 1960s, even though it was not directly responsible for those laws. This is reviewed in Chapters 6 and 7.

1.25 Notwithstanding the Commonwealth's limited direct role in adoption, it has in the past taken a leadership and coordination role on this and other matters of national significance. The committee was asked to examine what role the Commonwealth should play in helping the states and territories to address the consequences of past forced adoption practices. The importance of a national framework is discussed in Chapter 8. Chapters 9 to 12 focus on each of the four main areas of concern to people affected by past adoption practices:

- the need for recognition and an apology;
- specialised support services;
- access to information and records, and the laws that regulate information and contact; and
- the question of compensation.

1.26 Before turning to issues specific to forced adoption, the committee wishes to place it in the context of adoption generally, in post-war Australia.

Adoption in Australia

1.27 The NSW Law Reform Commission defines adoption as:

Adoption is a legal process by which a person becomes, in law, a child of the adopting parents and ceases to be a child of the birth parents. All the legal consequences of parenthood are transferred from the birth parents to the adoptive parents. The adopted child obtains a new birth certificate showing the adopters as the parents, and acquires rights of support and rights of inheritance from the adopting parents. The adopting parents acquire rights to guardianship and custody of the child. Normally the child takes the adopters' surname. The birth parents cease to have any legal obligations towards the child and lose their rights to custody and

guardianship. Inheritance rights between the child and the birth parents also disappear.⁴

1.28 For the purposes of this inquiry, 'forced adoption' means adoption where a child's natural parent, or parents, were compelled to relinquish a child for adoption. The nature of this force is described in later chapters.

1.29 The majority of submissions received by the committee were from mothers who related their personal experience of a 'forced adoption'. In general, these mothers were young unmarried women at the time of the child's birth. The committee has not heard from married women who felt compelled to place a child for adoption.⁵ There were very few submissions from young unmarried women who successfully resisted pressure to place a child for adoption.⁶ The committee also received few submissions from private adoption agencies, medical professionals, welfare officers, or counsellors.

Numbers of adoptions

1.30 Many submitters to the inquiry testified that adoption was common during the post-war period and that large numbers of people have been affected by adoption. Typical figures referred to have included 'approximately 40 000' between 1965 and 1972,⁷ 'over 250 000' over the period covered by records,⁸ and 'over 200 000 babies taken'.⁹ Dr Daryl Higgins noted that:

Inglis (1984) claimed that, in Australia, more than 250 000 women have relinquished a baby for adoption since the late 1920s. Although she did not describe the basis for this calculation, it is one that has been widely cited since.¹⁰

1.31 From 30 June 1969, nationwide adoption data has been available, collected by the Standardisation of Social Welfare Statistics Project (WELSTAT), the Australian Bureau of Statistics (ABS) and the Australian Institute of Health and Welfare (AIHW).

1.32 The data show that the number of adoptions in Australia peaked in 1971–1972, when 9798 adoptions were recorded. Four years later this number had halved to

4 NSW Law Reform Commission, *Review of the Adoption of Children Act 1965*, Issues Paper No. 9, 1993, para 2.1.

5 Though there was one submission from a married woman who was separated from her husband.

6 For example, *Submission 32*.

7 Mrs Barbara Maison, *Submission 14*.

8 VANISH Inc., *Submission 160*.

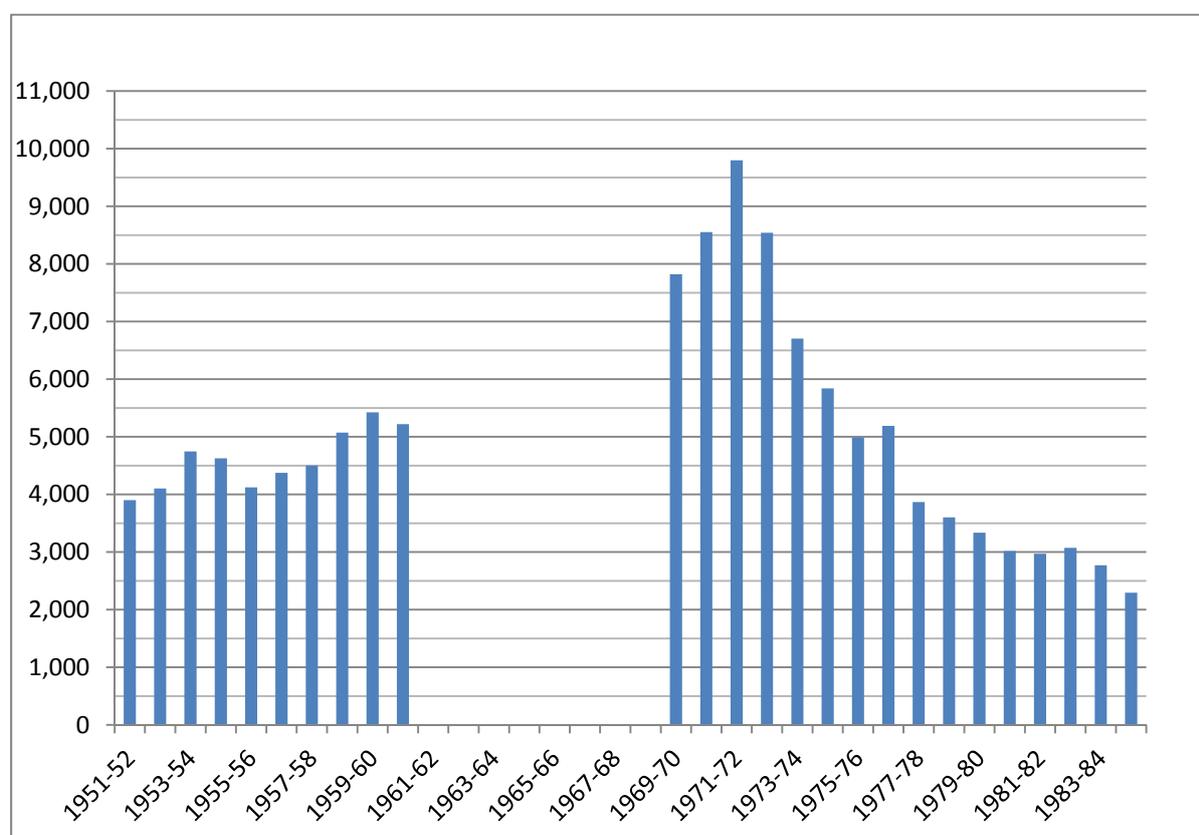
9 Ms Christine Cole, *Submission 223*.

10 Daryl Higgins, *Impact of past adoption practices: Summary of key issues from Australian research: Final Report*, March 2010, Australian Institute for Family Studies, citing K. Inglis, *Living mistakes: Mothers who consented to adoption*, Allen and Unwin, North Sydney, 1984.

4990. By 1979–1980 the number of adoptions had again dropped to one third (3337).¹¹ By 2009–2010 there were only 412 adoptions recorded throughout Australia.

1.33 Although national data was not gathered prior to 1969, the committee extracted some figures from files held by the National Archives of Australia (NAA).¹² These figures are for years up to and including 1960. While there remains an eight-year gap in the data from 1961 to 1969, once the archival figures are combined with AIHW-collated data,¹³ they provide the most complete record to date of adoption statistics in Australia, and are summarised in Figure 1.1. The full set of figures, from all sources, is reproduced in Appendix 4.

Figure 1.1—Numbers of adoptions in Australia 1951–1985



11 Australian Bureau of Statistics, *Family Formations: Adoptions*, <http://www.abs.gov.au/ausstats/abs@.nsf/2f762f95845417aeca25706c00834efa/c14cbc586a02bfd7ca2570ec001909fc!OpenDocument> (accessed 18 March 2011).

12 In particular NAA, A432 1966/2404 Part 2, *Uniform Adoption Legislation*, draft letter to the Attorney-General, 11 July 1963, folio p. 49, digital p. 326; NAA, A432 1961/2241 Part 2, *Uniform Adoption Legislation—Material prepared by the States*, Number of Adoptions in Each State During Period 1951–60, folio p. 134, digital p. 91; State of Victoria: Summary of Adoption Orders made from 1939–1960, digital p. 59.

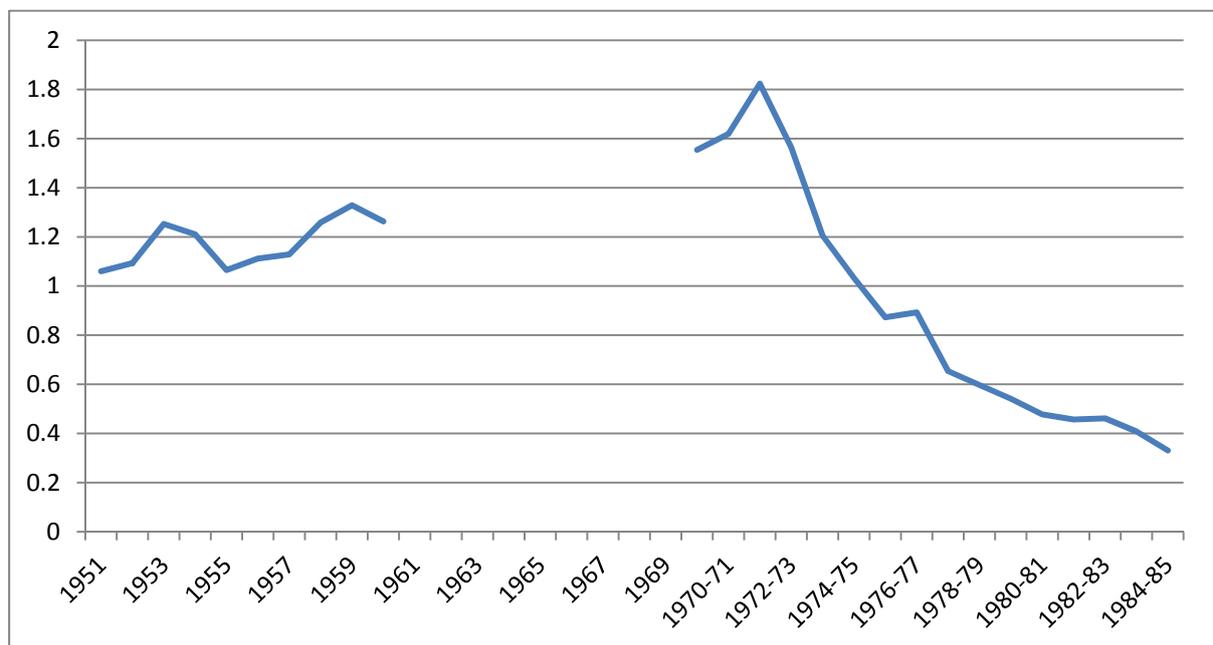
13 Australian Institute of Health and Welfare, *Adoptions Australia 2004–2005*, *Child Welfare Series No. 37*, 2005, Table 1, p. 5; Australian Institute of Health and Welfare, *Adoptions Australia 2009–2010*, *Child Welfare Series No. 50*, December 2010, Table A.1, p. 43.

1.34 These figures show a steady rise in the numbers of adoptions through the 1950s, though with a hiatus in 1955–56, perhaps reflecting interruptions to the administration of the process as governments and the public absorbed relevant implications of the *Mace v. Murray* High Court decision, which was delivered in March 1955.¹⁴

1.35 Combining the data above with an assumption that adoption numbers increased at a uniform, steady pace from 1962 to 1969, suggests that the number of adoptions between 1951 and 1975 was between 140 000 and 150 000. Total adoptions from 1940 (the first year for which the committee found records) to the present day would be well in excess of 210 000, and could be as high as 250 000. The committee concluded that all of the estimates of numbers quoted above, both from submitters and from Inglis's 1984 study, appear roughly accurate.

1.36 The period from 1950 to 1970 was also one of rapid population growth. Once that growth is taken into account, the *rate* of adoption (as distinct from the absolute *number*) increased by a more modest degree than the graph above would suggest. Nevertheless, it did significantly increase from the 1950s until 1971. Figure 1.2 shows the *rate* of adoptions per 1000 Australians aged 20–49 (the age group from which almost all adopting parents were drawn).

Figure 1.2—Rate of adoptions in Australia 1951–1985

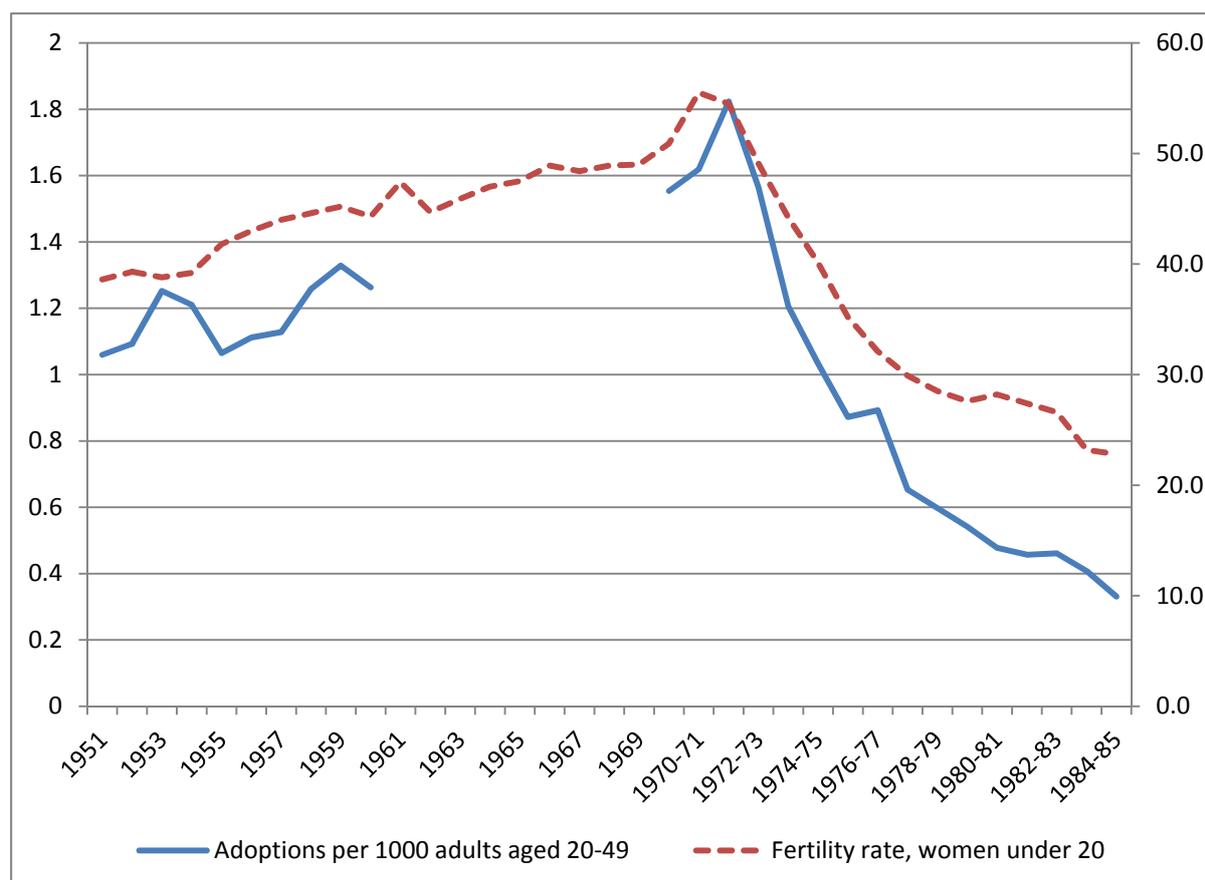


1.37 The rapid decline in adoption after 1971–72 was very closely correlated with a rapid decline in births amongst women generally, and amongst teenage women in particular. This decline, which began in 1970, is shown in Figure 1.3 below, which compares rates of adoption with rates of births to teenage women. While there is a

¹⁴ *Mace v Murray* (1955) 92 CLR 370.

clear relationship between the two, there is a range of possible causes. It may have been influenced by the effective legalisation of abortion, or by the widespread introduction of family planning advice and contraception (both of which occurred around 1969 and 1970). Other factors such as the economic circumstances of mothers may have also played a role, although the introduction by the Whitlam Government in 1973 of the Supporting Mothers Benefit did not occur until two years after the rate of adoption started to plummet. This benefit is discussed further in Chapter 5.

Figure 1.3—Rates of adoption and teenage fertility, 1951–1985



1.38 Adoptions were commonly arranged for the babies of single mothers; the women who gave evidence to this committee were unmarried at the time they gave birth. The committee located little evidence on the prevalence of the adoption of children of single mothers during this period. Royal Women's Hospital Victoria indicated that from the 1950s to the early 1970s, between 15 and 30 per cent of births to single mothers resulted in 'hospital arranged adoption'.¹⁵ However, adoptions were often arranged by other organisations, so the total proportion would have been higher, with a figure closer to 60 per cent quoted for 1968.¹⁶ The New South Wales

15 *Submission 399*, p. 4.

16 This dropped to 40 per cent in 1972 and 20 per cent in 1975. Janet McCalman, *Sex and Suffering: Women's Health and a Women's Hospital*, Melbourne University Press, Melbourne, 1998, p. 342. See also Royal Women's Hospital, *Submission 399*, p. 83.

Parliamentary Committee recorded that in 1972 (the peak for adoptions in that state), there were 4564 adoptions, representing about 46 per cent of births to unmarried women.¹⁷ However, a small number of adoptions would have been of babies of married women, so the actual percentage could have been lower. The figures for Victoria are similar.¹⁸

1.39 While there are some reliable figures for numbers of adoptions, it is impossible to estimate the number of *forced* adoptions which have taken place. The data does not indicate when or why a child was placed for adoption, nor does it indicate whether the birth parent(s) willingly consented to the adoption. Similarly, there are no statistics on the number of adoptions in which a court dispensed with a mother's consent. The lack of consistent pre-1969 data compounds the problem of determining how many forced adoptions have taken place in Australia.

Adoption law

1.40 In Australia, adoption law is entirely the product of legislation: the common law did not allow parents to voluntarily relinquish guardianship and custody rights during their lifetimes.¹⁹ Accordingly, there are Acts, Regulations, policies and practices for each Australian jurisdiction.

1.41 At the Commonwealth level, the Constitution does not grant the Australian Government a specific power to make laws relating to adoption, except in relation to the territories.²⁰ Accordingly, adoption law is the province of the states and, since the passage of self-government acts in 1978 (Northern Territory) and 1988 (the ACT), the territories.

1.42 Adoption legislation was first introduced in Western Australia in 1896.²¹ This was later followed by Tasmania in 1920, New South Wales in 1923, South Australia in 1925, Victoria in 1928, the Northern Territory and Queensland in 1935, and the Australian Capital Territory in 1938.²²

17 NSW Legislative Council, Standing Committee on Social Affairs, *Releasing the Past—Adoption Practices 1950–1998—Final report*, Parliamentary Paper Number 600, December 2000, pp 218, 220.

18 Royal Women's Hospital, *Submission 399*, pp 111–112.

19 SM Cretney, *Principles of Family Law*, 5th edition, Sweet & Maxwell, 1990, p. 657.

20 Section 122 of the Constitution. The Australian Government is however responsible for intercountry adoptions under various constitutional heads of power. For example, the marriage power (section 51(xxii)), the immigration and emigration power (section 51(xxvii)) and the external affairs power (section 51(xxix)).

21 *Adoption of Children Act 1896 (WA)*.

22 *Adoption of Children Act 1920 (Tas)*; *Child Welfare Act 1923 (NSW)*; *Adoption of Children Act 1925 (SA)*; *Adoption of Children Act 1928 (Vic)*; *Adoption of Children Ordinance 1949 (NT)*; *Adoption of Children Act 1935 (Qld)* and *Adoption of Children Ordinance 1938 (ACT)*.

1.43 State and territory legislation has undergone revision in the intervening years, most notably with the passage of uniform adoption laws in the mid 1960s²³ and subsequent amendments to those laws, particularly in the 1980s and 1990s.²⁴

Adoption practice

1.44 As described above, the highest numbers of adoptions took place during the 1950s–70s. Owing to a range of social and economic factors, many children of single mothers were raised by adoptive parents. The committee received extensive evidence from women on their adoption experience at that time, as well as some submissions from others involved in adoption. From this evidence the committee was able to assemble a picture of typical adoption practices of the period.

1.45 A young single woman who fell pregnant often spent much of her pregnancy away from her own home. While some women did continue to live with their parents during the pregnancy, many were sent some distance away, often interstate, to preclude prejudice or judgement from the local community. In some cases, relatives made a spare room available; in many cases young pregnant women were housed in group accommodation settings. Most of the group accommodation facilities, or 'homes', were owned and operated by religious organisations. This was consistent with the extensive involvement of religious organisations in social welfare prior to the Commonwealth Government's social security reforms of the 1970s.

1.46 In many cases, religious organisations that offered accommodation for young single pregnant women concurrently arranged adoptions. Babies were often 'matched' with parents of the same—mostly Christian—denomination as the organisation. State and territory law regulated the way in which consent to adoption could be made and taken. The law also stipulated basic requirements that adoptive parents were obliged to satisfy. In practice, however, the taking of consent and choosing of adoptive parents was routine and informal; a case of obtaining a signature and progressing down a waiting list. Community expectations were that the children of young unmarried mothers would be available for adoption, and that married couples who wished to adopt a child would be able to do so.

1.47 Women who spent their pregnancies at home or with relatives usually had some contact with a social worker prior to giving birth in a hospital. In residential 'homes', this role was often undertaken by a religious person such as a nun. Evidence indicates that social workers and religious sisters almost always recommended adoption to single mothers and women's files would be marked accordingly. This

23 *Adoption of Children Ordinance 1965 (ACT); Adoption of Children Act 1965–66 (NSW); Adoption of Children Ordinance 1964–1967 (NT); Adoption of Children Acts 1964–1967 (Qld); Adoption of Children Act 1966–67 (SA); Adoption of Children Act 1968 (Tas); Adoption of Children Act 1964 (Vic); Adoption of Children Act 1896–62 (WA).*

24 *Adoption Act 1988 (Tas); Adoption Act 2000 (NSW); Adoption Act 1988 (SA); Adoption Act 1984 (Vic); Adoption of Children Act 1994 (NT); Adoption Act 2009 (Qld); Adoption Act 1993 (ACT) and Adoption Act 1994 (WA).*

extended to a note such as BFA—baby for adoption—being made on the hospital file at admission. The children of unmarried mothers were removed at birth and sometimes kept on a separate floor to their mothers until adoptive parents took them home. Social workers, the religious, and occasionally doctors and nurses, took consents and arranged adoptions routinely and as a matter of course. Mothers often returned to their families after the birth—whether from a hospital or a 'home' where birthing facilities existed—and were expected to continue with education or work as they had previously. No mention would be made of the pregnancy. Any boyfriend or fiancé (or 'putative father' as they were formally referred to in documentation) who attempted to remain involved would be discouraged, sometimes being barred from access to the hospital, the mother or the baby. Fathers almost never played a role in giving consent for adoption, and mothers were discouraged from formally identifying them.

1.48 The adoption processes of the 1950s and 1960s reflected the 'clean break theory' popular at the time. This theory holds that the best outcome for both the mother and child is achieved when the child is adopted at birth and no further contact occurs between them. Supporters of the clean break theory cited the importance of early and uninterrupted bonding between an adopting mother and the baby. They also cited the social stigma and disgrace of single motherhood affecting both the 'unmarried' mother and the 'fatherless' child. A clean break would supposedly allow both parties to forget about the past and forge a life free from stigma.

1.49 The clean break theory affected many stages of the adoption process. Women in 'homes' were discouraged from discussing their pregnancies. No option other than adoption was presented to the young mothers. Few were allowed to see their children after birth. Birth certificates were re-issued in the adoptive parents' names and strict rules governed access to information. The idea was that the child would in as many respects as possible (and from the earliest practical age) be raised as though he or she were the child of the adopting family.

Previous relevant inquiries

1.50 New South Wales and Tasmania have conducted parliamentary inquiries into past adoption practices, the former for the period 1950–1998 and the latter for the period 1958–1988.²⁵

1.51 The New South Wales parliamentary inquiry was undertaken by the Legislative Council's Standing Committee on Social Issues. It commenced in 1998 and reported in December 2000. Its terms of reference were:

25 NSW Parliament, Standing Committee on Social Issues, *Releasing the Past, Adoption Practices 1950–1998*, Report No. 22, Parliamentary Paper No. 600, December 2000 and Parliament of Tasmania, Joint Select Committee, 1999, *Adoption and Related Services: 1958–1988*.

- 1) the professional practices in the administration and delivery of adoption and related services, particularly those services relating to the taking of consents, offered to birth parents and children in New South Wales from 1950 to 1998;
- 2) whether adoption practices referred to in clause one involved unethical and unlawful practices or practices that denied birth parents access to non adoption alternatives for their child; and
- 3) if so, what measures would assist persons experiencing distress due to such adoption practices.²⁶

1.52 Although mandated to examine the period up to 1998, its focus was on the period prior to passage of the *Adoption Information Act 1990*.

1.53 The Tasmanian parliamentary inquiry was conducted by a Joint Select Committee appointed on 22 April 1999 and reported on 5 October that year.²⁷ Its terms of reference were:

- (1) The past and continuing effects of professional practices in the administration and delivery of adoption and related services, particularly those services relating to the taking of consents, offered to birth parents in Tasmania from 1950 to 1988.
- (2) Whether the practices referred to in part (1) involved unethical and/or unlawful practices or practices that denied birth parents access to nonadoption alternatives for their child.
- (3) If so, what appropriate and practical measures might be put in place to assist persons experiencing distress due to such practices?²⁸

1.54 Both committees concluded that past adoption practices had caused considerable pain and suffering, particularly for parents who were pressured into surrendering children for adoption. Both concluded that there was a need for greater specialised support for people affected by these past practices. Both concluded that access to records needed to be improved. The New South Wales inquiry concluded that there had been a range of practices that were unethical or unlawful; the Tasmanian committee was unable to reach a conclusion in this area 'on the basis of conflicting or insufficient evidence'.²⁹

26 NSW Parliament, Standing Committee on Social Issues, *Releasing the Past, Adoption Practices 1950–1998*, Report No. 22, Parliamentary Paper No. 600, December 2000, p. iv.

27 Parliament of Tasmania, *Legislative Council Votes & Proceedings*, No. 42, 5 October 1999, item 3.

28 Parliament of Tasmania, Joint Select Committee, 1999, *Adoption and Related Services: 1958–1988*, p. 13.

29 Parliament of Tasmania, Joint Select Committee, 1999, *Adoption and Related Services: 1958–1988*, p. 11.

1.55 Although there has been no parliamentary inquiry in Western Australia, the government of that state in October 2010 became the first and to date only Australian government to apologise to women, their children and families affected by past forced adoption practices.³⁰ Apologies relating to adoption practices are discussed further in Chapter 9.

Other current inquiries into adoption

1.56 In March 2010,³¹ Dr Daryl Higgins of the Australian Institute of Family Studies (AIFS) completed a review of the available literature regarding past adoption practices. The AIFS report to the Department of Families, Housing, Community Services and Indigenous Affairs found:

There is a wealth of material on the topic of past adoption practices, including individual historical records, analyses of historical practices, case studies, expert opinions, parliamentary inquiries, unpublished reports (e.g., university theses), as well as published empirical research studies. They include analyses of both quantitative and qualitative data, gathered through methods such as surveys or interviews.

Despite this breadth of material, there is little reliable empirical research. To have an evidence base on which to build a policy response, research is needed that is representative, and systematically analyses and draws out common themes, or makes relevant comparisons with other groups (e.g., unwed mothers who did not relinquish babies, or married mothers who gave birth at the same time, etc.).³²

1.57 The AIFS is continuing its work in this area, through the National Research Study on the Service Response to Past Adoption Experiences.

1.58 Monash University is currently conducting a four year study on the social and political history of adoption in Australia. The History of Adoption project is being funded by the Australian Research Council and will conclude in late 2012. However, the submission from Monash University does not refer to the project or any interim findings.

Examination of records by this committee

1.59 Parliamentary committee inquiries rely overwhelmingly on the provision of material by witnesses in the form of written submissions, Hansard evidence given at hearings, and the supply of additional documents. However, in this particular inquiry

30 Kim Hames, WA Deputy Premier, Ministerial media statement, 7 September 2010, <http://www.mediastatements.wa.gov.au/Pages/WACabinetMinistersSearch.aspx?ItemId=133968&minister=Hames&admin=Barnett> (accessed 5 February 2012).

31 Amended April 2010.

32 Daryl Higgins, *Impact of past adoption practices: Summary of key issues from Australian research*, March 2010 (amended 30 April 2010), Australian Institute for Family Studies, p. 3.

these resources were supplemented by additional research undertaken by the committee.

1.60 During the course of the inquiry the committee examined a range of historical documents. These included files related to adoption policy and practice held by the National Archives of Australia (NAA). The committee also received information from NAA regarding the use made of these files by government agencies since December 2001.³³ It showed that no Commonwealth agency had accessed relevant archival files between 2001 and 2011.³⁴

1.61 The committee also examined a range of other archival documents of potential relevance to the committee. A number of records held in the University of Melbourne Archives relate to the operations of the Australian Association of Social Workers (AASW) and the Australian Association of Hospital Almoners (which the committee understands later became the Medical Social Workers Group within AASW). These organisations represented professionals who were intimately involved in the process of adoption.

1.62 The four sets of AASW and Hospital Almoner records that were examined were numbered as 1972.0026, 1981.0098, 1983.0080 and 1990.0024. The four series comprised 62 boxes of material in total. Access to these record series was restricted, requiring the permission of the AASW for their examination, and the committee thanks the AASW for its assistance in this regard. The committee also examined record series 1986.0123, which comprises the records of notable social worker Teresa Mary Wardell.

1.63 One particular record series held by University of Melbourne Archives has tighter restrictions on access than others. That record series, number 1972.0026, comprises 18 boxes, most containing patient case files from the Almoners Department of Royal Melbourne Hospital. Access to these case files is restricted for privacy reasons. An inquiry participant raised with the committee the question of whether there were adoption records amongst these files.

1.64 The committee negotiated access to these files with AASW and the University of Melbourne Archives, on the basis that it was not seeking information about, and would not make any copies or notes in relation to, named individuals. The committee's intention was, rather, to determine whether the files contained adoption records, and if they did, whether those records might provide insights into almoners' advice or guidance given to women during pregnancy and adoption.

1.65 The committee examined 114 individual patient files from two boxes of records. The boxes were sampled at random but covered the full range of time periods

33 Letter from Dr Stephen Ellis, Acting Director-General NAA to the committee, Ref 2011/3010, 19 October 2011.

34 Email from NAA to the secretary of the committee, 25 October 2011.

represented by the records. None of the patient files pertained to pregnant women, and therefore none of the records contained information relating to adoption. The committee infers that either the records that have ended up in this archive did not come from a part of the hospital system that included maternity wards, and/or that the hospital's Almoners Department did not work in those wards.

1.66 The committee examined other historical publications, including the annual reports of the Queensland Branch of the AASW. These were reviewed as they were the only series of annual reports of an AASW organisation in the National Library that covered the period relevant to this inquiry. Annual reports from 1956 to 1970 inclusive were reviewed. Other reports examined included annual reports of the NSW Institute of Hospital Almoners and the Royal Melbourne Hospital Almoner Auxiliary from a similar period. The committee also reviewed articles published in the Australian Journal of Social Work from the 1960s onwards.

1.67 The committee examined the annual reports of the Commonwealth's Director-General of Social Services, compiled between the 1940s and the early years of the 1960s, stored at the National Library of Australia. These reports were reviewed to obtain information about the availability of payments to single mothers. Eligibility criteria were examined, as were any indications of policy initiatives pertaining to the Child Endowment Payments, the Maternity Allowance, the unemployment benefit and Special Benefit payments. The annual reports contained very little policy information and the eligibility criteria were not clear from these documents.

1.68 Additionally, the committee reviewed past newspaper and magazine articles from the 1950s, 60s and 70s so as to better understand prevailing societal attitudes and values relating to adoption and single mothers. The articles were sourced from Trove's online database, hosted by the National Library of Australia. Newspapers examined included Melbourne's *The Argus*, *The Sydney Gazette*, *New South Wales Advertiser*, *The Hobart Town Courier*, *The Monitor* (Sydney), *The Mail* and *The Advertiser* (Adelaide), the *Townsville Daily Bulletin* and *The Australian Women's Weekly*. These articles proved insightful. They demonstrated that child adoptions were relatively common and that adoption practices generated widespread community discussion. Information was prevalent for the 1940s and 50s; however due to copyright legislation, the availability of information for the 1960s and 70s was much more limited.

1.69 Several individuals and organisations, such as Ms Brenda Coughlan, Ms Christine Cole and Origins SPSA Inc., between them provided a large number of primary source documents. These included newspaper and magazine articles about adoption practices, professional journal articles from the period, state departmental manuals and other documents, and past parliamentary speeches related to adoption topics. The committee is grateful to these inquiry participants for ensuring some material came to the committee's attention that would not otherwise have been accessible.

Evidence given by submitters

1.70 The committee has taken into account all the evidence given to it by submitters, witnesses and all who provided it with other material. It has given equal consideration to evidence received from every individual and organisation.

1.71 The committee acknowledges that those affected by forced adoption are a diverse group of individuals, many of whom have experienced great trauma. The committee is aware that there are deep divisions amongst this group, and has been made aware of specific allegations of bullying behaviour in relation to a range of people and organisations. While those accused have not accepted these allegations, the committee was deeply concerned by the suggestion that some people affected by forced adoption are not being heard, and not being respected. The committee was disturbed that those who were already traumatised by events in their past may have been subject to further emotional damage and distress. The committee's major concern is that all people who wished to contribute to the inquiry process are certain that their views have been heard with respect.

Acknowledgements

1.72 Hundreds of people affected by forced adoption practices gave evidence to this committee. In doing so, many gave their accounts for the very first time. They may not have told their friends before, and some had not previously felt able to tell their families of their experiences. The committee thanks all of these people for their work, their courage and their commitment to supporting the examination of this painful subject. While the issue of access to information and records will be discussed later in this report, the committee wishes to acknowledge here the difficulties faced by many submitters in obtaining full and timely personal records. Given the committee's own experience seeking to obtain information about this period in our country's recent past, it knows how challenging the road has been for individuals who have fought to obtain the records that would allow them to put together a picture of the decisions made about themselves, their parents and their children.

1.73 The committee thanks the National Archives of Australia. In particular it acknowledges NAA's swift response to the committee's request to make more of the relevant Commonwealth files available online through its program of digitising records. These files are not individual personal records, but departmental files relating to adoption policy and law. The NAA's cooperation has meant that many of the file records referred to in this report are now available over the internet to anyone who wishes to pursue the subject further.

1.74 Several Commonwealth agencies provided important information through answers to questions on notice, and the committee is particularly grateful to the Department of Education, Employment and Workplace Relations for the archival research reflected in its answers to questions, and the provision of archived copies of staff manuals. The committee thanks the Parliamentary Library for its work locating historical legislation, as well as assisting with other research and advice.

1.75 The committee extends its deepest gratitude to everyone mentioned above, as well as the other individuals and organisations who have assisted along the way, without all of whom this inquiry would not have been possible.