

Inquiry into Responses to Historical Forced Adoptions in Victoria
Submission by *Adoptee Rights Australia, (ARA) Inc*

Part 1 by Dr CM Lynch JD

Part 2 by Dr CM Lynch JD and Angela Barra

Part 3 by Sharyn White

Submitted by

Adoptee Rights Australia (ARA) Inc Management Committee and Members

Management Committee:

President- Peter Capomolla Moore

Vice-President- Dr Catherine Lynch

Secretary - Sharyn White

Treasurer- Tess Pearce

Committee Members-

Christin Coralive

Carol May

Glen Scott

Liz Mudd

Angela Barra

Shane Bouel

Amanda Evans

and in loving memory of Adoptee Rights Australia (ARA) Inc. co-founder,
William Hammersley-Ellis

Inquiry into Responses to Historical Forced Adoptions in Victoria

Part 1

The failure to amend related State Acts to take into consideration the findings of various State and Commonwealth enquiries into historical forced adoptions results in the continuation of substantive rights violations of adopted persons and perpetuation of ongoing trauma.

Once such failure to amend can be found in Family Provision legislation. The fundamental feature of adoption that makes it entirely different to all other forms of care outside of natural family is the erasure of natural identity and the State enforced imposition of new artificial identities - specifically, the issuing of secondary birth certificates with the child's name erased, with the child's parents' names erased and replaced with new ones.

Arguments for only partial name changes such as children being "allowed" to retain their first names, and arguments for "integrated" birth certificates with multiple parents do nothing to change the fundamental rights violation that is State-imposed identity change. Changing natural identities is a tool of oppression common to other historical oppressions such as slavery, indentured servitude, fascism and genocide, all of which involved cases of State imposed artificial identities on babies and children and, even, on adults.

To allow this State imposed identity erasure and imposition of artificial identity to continue into the twenty-first century merely prolongs the suffering and trauma of Stolen Generations and Forced Adoptees, who must continue to live in a society that apologises but appears unable to recognise the fundamental cruelty of maternal-neonatal separation by continuing its absolutely insulting reinforcement by a parallel State imposed identity replacement through fabricated birth certificates.

If there must be some sort of family-based care called 'adoption' then there is not a single justification that can be made for not making the actual procedure transparent, truthful and visible to all: all babies acquire a birth certificate recording their gestational mothers, and if any of these people are adopted at any point then an Adoption Order is issued. That should be the end of the matter and any adoptee can prove change of name using the Adoption Order just as a married woman would use her marriage certificate to prove her change of name.

The continuation of States participating in the interference of the identity documents of Australian citizens without their consent must cease. Closed adoptions are supposed to be a thing of the past and the perpetuation of this kind of interference prolongs the historical and personal trauma that has been the history of adoption in Australia.

The commodification of children for the purposes of adoption and surrogacy needs to cease immediately. The continuing ideological campaign to erase gestational mothers from the birth certificates of their newborn babies by pro-surrogacy lobby groups must never ever be allowed to gain a foothold in any country and we can push-back immediately by ceasing to change the birth certificates of Australian citizens without their consent in the Adoption and Surrogacy “markets”. This would have knock on effects for the rights of the donor-conceived as well who continue to fight for their rights.

Today, governments, pro-adoption advocates and lobby groups have re-branded adoption, so it is no longer the “rescue of illegitimate children” but is the “rescue of children removed under child protection legislation.”

If this is to be the case then all State Adoption Acts must be immediately repealed as voluntary child abandonment is too rare to have an entire Adoption Act, with its accompanying legal and government departmental resources, devoted to it.

If adoption is being rebranded to use for child protection it should be part of the Child Protection Legislation, and fulfil its requirements under the Convention of the Rights of the Child to provide adequate welfare checks on all children adopted into private homes by adults who are not naturally related to them.

As adoptees we can testify that Adoption needs no identity erasure, no severing from our ancestry and kin, no secrets, no lies, no connection with the historical closed records adoption that stripped us not only of our mothers and families at the moment of birth but of every iota of natural reflective identity as if we were “blank slates” to be written upon with no love and no biological connection to our mothers and ancestry. An absolute and cruel denial of infant biological experience resulting in infant suffering and trauma with both short term (incessant crying and despair) and long-term, even intergenerational, impacts as we can testify to from the hundreds of adoptees who have spoken or written to ourselves and other members of Adoptee Activist Groups, and our own lived experience as adopted persons.

A case in point being the complete severance of inheritance rights to natural family resulting in cases of unjustness.

I, personally, have to turn away client after client, with the worse stories of abuse in adoptive families, long-term reunion with natural families, and then, when natural parents die without a Will, a complete absence of Family Provision eligibility even when the adopted person is destitute.

I see client after client who has become estranged from their adoptive family (the great experiment of swapping children proving ultimately unsuccessful and deeply traumatising to thousands of us) and yet cannot even get standing to make a plea to the court for provision off their own natural parents’ estates who, in some cases, have done well for themselves in the financial environment of not having to pay to raise their own child (albeit living with the trauma of having stolen children) and

who may have been cared for in their old age by their own children – albeit children not recognised as the children of their own parents in law!

The peak year of adoptions being 1972, when almost 10,000 babies were taken from mostly young unmarried mothers, the majority of us are now heading towards our fifties and finding that our oppression continues as our parents die and we have not even the right to be notified of our mother's own death. Many adoptees are plagued by health problems as a result of historical forced adoptions and will not be able to afford health care and bonds into assisted living environments.

Part 2

We demand:

1. The absolute end of all state imposed artificial identity changes through fabrication of secondary "birth certificates";
2. The absolute end of complete legal severance from kin for all past and future adoptees;
3. The immediate restoration of inheritance and family provisions rights to the estates of our parents from whom we are forcibly removed, and if not forcibly, are removed at least without our own consent.
4. Immediate and free services to support adoptees suffering post-traumatic-stress disorder, mental illness, substance abuse, homelessness, incarceration and suicidal ideation.
5. Immediate and free services and funding to find family: DNA testing, records searches, costs, etc
6. Funding for research into the immediate and long-term impacts of maternal-neonatal separation for the purposes of adoption and surrogacy
7. Funding for research into the long term outcomes for adoptees over the lifespan and intergenerationally via the inclusion of data collection in all aspects of contact with adoptees, and a commitment to undertake current and retrospective data linkage projects including studies that can access data on adoptees from the Victorian Births, Deaths and Marriages and that of other States.
8. Funding provision for adoptee-centric and adoptee-led and run organisations such as our National body, Adoptee Rights Australia (ARA) Inc so that we have the capacity to advocate for the interests of adopted people.

Finally, as more and more adoptees reach out to adoptee organisations such as Adoptee Rights Australia (ARA) Inc, it becomes more and more apparent that the adoptee demographic is traumatised and, in many cases, the victims of child abuse,

physical, emotional and/or sexual abuse at the hands of the adoptive parents and/or extended family. The extreme abuse of the adoptees who were taken into the Victorian cult known as The Family was not necessarily an isolated phenomena. We need to find out and aid the adoptees who were taken by this cult and adoptees abused in other adoptive homes.

The testimonies of abused adoptees have been rejected at the Royal Commission into Institutionalised Responses to Child Sex Abuse because they are outside the “scope” of the Commission. That adoption is not considered to be “out-of-home-care” or “in an institution” means that adoptees continue to fall through the cracks of society, beyond the duty of care of governments and NGOs who place them in the hands of abusers.

We demand:

9. A Royal Commission into past and present adoption practices in Australia and, importantly, the impact and outcomes for adopted people. The scope of a Royal Commission should include, but not be limited to:
 - a) Establishment of mechanisms to enable the timely investigation (and prosecution of offences) into any related improper actions or treatment of children who were subject to adoption orders within institutional contexts (including prior to the adoption order). This includes of children (subsequently adopted) who were subjected to medical experimentation in orphanages or other institutions (e.g., universities). For example, and to date, Melbourne University has apologised to the ¹[Forgotten Australians](#), but this arguably excluded those children who were subsequently adopted and who are not aware that they were a victim of these practices ². Any adopted person who was subjected to these experiments, should be notified and their records should be freely available to them (along with access to support services).
 - b) Inquire into and report upon the adoptions undertaken by The Family; including allegations, by investigative journalist Phillipe de Montignie, that the Victorian Premier (Rupert Hamer) swept concerns of child abuse under the carpet³. An inquiry should fully explore the findings and recommendations by Victorian detectives involved in ‘Operation Forest’ and their call for a Royal Commission, which according to former detective - Lex de Man, was denied⁴. Additionally, an interrogation of evidence on The Family members association with influential Victorians (e.g., Raynor Jonson, Robert Menzies, Bob Ansett), that enabled the adoption of children into the sect (organised by sect Doctors, Nurses and Social Workers) and/or negligence which perpetuated the abuse of said

¹ Bridie Smith, *Melbourne Uni says sorry for trials on orphans* (2009)

² Kenny, Higgins, Soloff & Reem, *Past adoption experiences: National Research Study on the Service Response to Past Adoption Practices* (2012)

³ [The Cult of The Family](#) (Documentary release date: 2019)

⁴ [The Cult of The Family](#) (Documentary release date: 2019)

- children (e.g., failure to adequately respond to allegations of abuse). The adoptees taken and abused by that cult never ever got justice. ARA Inc. takes up this call and we reinforce the need for a Royal Commission (including referring any living perpetrators to appropriate authorities).
- c) Investigation into the wellbeing and fate of adopted people removed from our mother's at birth and forcibly adopted (noting that all adoptions of children occurs without said child's consent).
 - d) The provision of an appropriate hearing process (and support provisions for those who are traumatised) to enable adopted people to testify to their fate and treatment in the homes of strangers and recognises their right to receive justice for any abuse, severance from identity, culture and kin, and loss of family inheritance rights suffered. This scope is to include examination of allegations of deprivation, neglect, exploitation, physical, emotional and sexual abuse and mechanisms to respond appropriately (including referring perpetrators to appropriate authorities).
 - e) As aforementioned (Refer to page 4 -We demand), examine what reforms can be implemented by government to protect current and future adopted children (e.g., dismantling legislation that legally severs a child from kin and the issuing of a new identity and birth certificate; welfare checks on existing adopted children).
 - f) Identify how government and institutions can address the needs of adopted adults impacted by past and present practices as identified in the hearings and ensuring justice and redress for victims as required.

The testimonies of the adoptees that we could submit to this enquiry are in our hands but unfortunately we are volunteer run and do not have the funding nor the time to personally type out these cases, nor to take on these clients and get them justice, nor take on the legislation, the Adoption Acts, Succession Acts and the Children and Young Persons Acts, some of which have had clauses added in recognition of the Apologies to Stolen Generations but none of which had have clauses added in recognition of Historical Adoptions, of each State to rectify them. Nor do we, as a volunteer run organisation with no funding have the capacity to make submissions to the Law Reform Commission who seem to have absolutely no interest in the continuation of the systematic disinheritance of a completely innocent demographic of Australian citizens.

As adoptee activists, it confounds us that another Government is once again joining forces with celebrity lobby groups to promote another generation of Adoptions despite apologies being offered by every state. Rebranding adoptions as "open" does not change in any way the fundamental identity change and disinheritance that is intrinsic to all adoption. By rebranding adoption to "save" traumatised children in the out-of-home-care system only serves to repeat the mistakes of the past by further disenfranchising another generation of children who are already traumatised by removal.

Part 3

Support Services and Responses

Trying to put two very different populations under the one banner is harmful to both groups. Adopted people have been subsumed under “Forced Adoption”, and this has led to inadequate recognition of our needs. The force or lack of force used at the time we lost our mother is a nearly meaningless distinction when applied to the experience of adoption itself.

For mothers, the focus is on the circumstances around the separation. Yes, for most adoptees in Australia, the main reason they are *in that situation of being adopted* is because their mothers endured some version of forced separation. But those adoptees who are trying to use the services (or giving up because the services are not appropriate to their needs) are not doing that because their mothers were forced. Treating an adoptee as if the *reason* they are an adoptee is the major source of their suffering or service requirements is denying the impact of the lived experience of adoption.

The framing of the terms in the media release for this inquiry illustrate the point, as Forced Adoption is defined as being about those who “were compelled to give up their baby for adoption without their willing or informed consent”:

“Through forced adoption, also identified by some as forced family separation, a child’s natural parent, or parents, were compelled to give up their baby for adoption without their willing or informed consent. Groups involved included governments, non-government organisations, religious institutions and professionals such as doctors and social workers. In 2012, the Victorian Government issued a formal apology “to the mothers, fathers, sons and daughters who were profoundly harmed by past adoption practices in Victoria”.”

To be able to understand the adoptee population that is using or not using the Adoption services in Victoria, what needs to be recognised is that willing consent of the mother does not mean an adoptee won’t suffer or require services. Finding out the reasons for removal are not central to the adoption experience, and even then, wouldn’t most human beings feel *better* knowing that their parents had been forced to abandon them, rather than finding out they were willingly cast aside? Losing our relationship rights to our mother (no matter if she gave free consent or not), and losing our relationships rights to our extended family, losing our true birth certificates and identity, plus the constellation of issues arising from this are the fundamental aspects of adoption.

Mothers and some adoptees had been lobbying for recognition for many years before the Federal and State apologies, and when that glimmer of recognition came, adoptees thought it was for them, and we became inextricably linked to Forced Adoption, but in reality only as “sons and daughters”. The issues that we wanted to get across about adoption itself were lost. It’s easy to see that this happened because of the close subject matter. It was also very convenient for those who wanted adoption to increase in the

future for the distinction to be made between “past” or “historical” forced adoption and current adoption. All of this has meant that what wasn’t looked at or recognised in the responses and services provided was the experience of adoption itself.

Focusing only on the mother’s consent means that all services within that paradigm reduce the adoptee’s experience to being dependent on that of their mother’s circumstances at the time of their birth, and dismisses their own standalone experience. Surely, if this was a realistic distinction, then to get assistance adoptees would need to identify as knowing that their mother was forced? The funded NGOs know the distinction is unrealistic so they don’t ask the question.

For the funded NGOs in most cases the term ‘advocacy’ is related only to individual client case work. There is no incentive for them to identify and report problems, because they are not our advocates, they are just fulfilling funding requirements. There are no funded standalone independent bodies in Victoria or Nationally to advocate for adoptees as there are for similar groups (eg. DHS Victoria provided the National Advocacy Body for Care Leavers, CLAN, with \$172,000 in the 2019 financial year).

In the considerations for implementation in the Australian Institute of Family Studies (AIFS) Scoping Study (2014), while noting that “...the Forgotten Australians and Former Child Migrants have three funded national advocacy services, each representing different issues on behalf of members,” setting up a peak advocacy body was dismissed by saying that it would be difficult to achieve consensus among *three* key groups, (Higgins, et. al., p. 150, my italics). The three groups were described as that of mothers, fathers and adoptees. While the need for services for fathers is acknowledged, the reason the numbers are being pointed out here is because there were *never* three competing groups, but instead that was the flimsy justification for no funding to be given for advocacy by the Federal Government, and the States followed this.

But there always was a need to separate out adoptees and those who lost their children to adoption and recognise the two, distinct and different individual populations that they are, and it should be done now.

Adoptees were the largest proportion of participants in the comprehensive AIFS ‘Past Adoption Experiences’ National Research Study (Kenny, et. al., 2012). Even at that time in the lead up to the Apologies, of a total of 1,528 survey respondents, 823 were adopted individuals (30% of these were from Victoria), and 505 were mothers. 12 were fathers. This has also been borne out more recently in the DSS Forced Adoption Support Services (FASS) Post Implementation Report (2018). In Victoria, the breakdown of clients RA (Vic) estimated by FASS target group (FASS Post Implementation Review Final Report, p151) was Adoptees 76%; Mothers 19%; extended family members 5%; fathers and others 0%.

These figures show that adoptees are by far the major consumers of adoption services in Victoria – services which are funded for and under the umbrella of another group’s very

different experiences of adoption. Because of this fundamental mis-targeting and misunderstanding of the population, the support services and responses to adopted people require significant changes.

While it was convenient to lump adoptees together with mothers, no comprehensive investigation into adoptees and adoption itself was seen to be needed. We were given the impression of being heard, but instead we were silenced by being defined by the consent or lack of consent of our mothers. What needs to be recognised is that we are a group of adults whose lives – past, present, and future - are governed as the subjects of legislation that applies only to our minority group. We are not just passive victims affected by past practices. We should be given the recognition of self-determination and the resources to advocate for the rights of adoptees.

As stated in Part 2 of this submission, Adoptees need a Royal Commission into adoption.

Adoptees should also have the equal right to the same opportunities for self-determination and empowerment as any other minority group and to achieve this the State government of Victoria should ensure:

- adoptee inclusion as stakeholders in all policy and planning and governance arrangements for adoption policy and practice.
- representatives of adoptee advocacy organisations to have places on all advisory and reference committees.
- funding support for adoptee run adoptee advocacy organisations.

References

Department of Social Services January 2018 *Forced Adoption Support Services Post Implementation Review Final Report*

Daryl Higgins, Pauline Kenny, Reem Sweid and Lucy Ockenden, February 2014
Forced adoption support services scoping study Commissioned report
<https://aifs.gov.au/publications/forced-adoption-support-services-scoping-study>

Pauline Kenny, Daryl Higgins, Carol Soloff and Reem Sweid, August 2012, *Past adoption experiences: National Research Study on the Service Response to Past Adoption Practices*
https://aifs.gov.au/publications/archived/77?fbclid=IwAR1NfIXQhcYUZZGjN6UDdG_-hUh5mRdc_Ber7WbgF1LUvwRbQ9QhNpHVavM