

FORCED ADOPTIONS

Grievance

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [9.15 am]: I would like to start by thanking the Minister for Child Protection for taking a grievance on the matter of forced adoption and acknowledging the lasting and detrimental impact this has had on so many in our community. I would also like to acknowledge the visitors in the public gallery, including Jen McRae, whom I met with earlier this year in Albany, and Lynne Devine, coordinator of ARMS, the Association Representing Mothers Separated from their Children by Adoption. Thank you for joining us here today. To Jen, in particular, thank you for sharing your story with me and for continuing to advocate on this important matter.

Nearly 12 years ago, the Western Australian Parliament was the first jurisdiction in Australia to formally apologise for the thousands of forced adoptions that took place between the 1940s and 1980s. I was a member of the Legislative Council at the time, but those who were in this chamber will recall a public gallery overflowing with people who had come to have their grief validated and acknowledged by Parliament. The apology was delivered in a bipartisan manner, with members of all parties speaking to the awful truth that for many years the government of the day and a number of institutions sanctioned and carried out forced adoptions. Mothers were forcefully separated from their babies, prevented from seeing them after birth, drugged, deceived and shamed. Their heartbreak and trauma as a consequence of this abhorrent practice has been a burden to bear for a lifetime. Many of the adopted adults have also experienced trauma—a feeling of displacement and sense of abandonment conflicting with the connection they have with their adoptive families. It is complex and difficult and those with lived experience often struggle to share their story, so deep is the shame and pain that was inflicted at the time they were forced to give up their child.

The apology here in Western Australia was a momentous occasion for this group and it had a ripple effect around Australia. It spurred apologies from the South Australian Parliament in 2012, along with the ACT Parliament. New South Wales, Victoria and Queensland followed suit, as did the federal Parliament, with an apology delivered by the then Prime Minister, Julia Gillard. Following this apology, a Senate inquiry in 2012 produced a number of recommendations for the commonwealth, state governments and institutions to consider. Recommendation 6 was that formal apologies should always be accompanied by undertakings to take concrete actions that offer appropriate redress for past mistakes. In 2019, the Victorian government commenced an inquiry that reported to its Parliament last year. The report made 56 recommendations and acknowledged that immeasurable pain had resulted from the separation of thousands of mothers and babies through unethical, deceitful and immoral policies and practices. In March this year, the Andrews government announced it would spend more than \$4 million designing a redress scheme, with funds going towards crisis counselling, as well as enabling those affected by forced adoption to have integrated birth certificates with both adopted and natural parents' names included. In addition, a hardship fund was set up to provide payments to mothers of forced adoptions facing exceptional circumstances, such as being terminally ill, and funding has also been allocated to community groups.

It is time for an inquiry here in Western Australia—a parliamentary inquiry with actionable recommendations for our state. The apology was just the first step, and after 12 years it is time for our Parliament to take further and urgent action. An inquiry would provide those affected with the opportunity to share their story and to have it validated and recorded. It would allow the government to work on solutions with survivors and to co-design a framework and policy response with those impacted the most. Abolishing vetoes, allowing access to all medical and adoption records without censorship, funding for support services and the creation of a redress scheme would all be on the list of issues for these survivors. We cannot underestimate the stigma and shame that many still carry. For some it will be too late. There will be mothers in their nineties who have carried their pain for a lifetime. There will be adopted adults who need to share their own personal grief, and there will be medical staff—nurses and midwives—who will be given the opportunity to relate their experience in a system that denigrated the mothers, families and caregivers.

As time passes, so, too, does the opportunity for some to share those stories. I urge the minister and the government to act swiftly. It is my understanding that the government has received representation on this matter from survivors. I know members of this government have met with survivors and sat with them to listen to their stories. I know the minister has responded to questions from the opposition's shadow Attorney General and a member of the crossbench in the Legislative Council in relation to this matter. She may also have read the opinion piece penned by the member for Vasse in *The West Australian* recently. This is not an issue that will come to the minister out of the blue.

It is an issue that deserves our attention and it deserves our ongoing bipartisan support. I applaud the efforts of those who sparked the apology delivered in this Parliament 12 years ago. It is now past time to take that next step. We have acknowledged and stated that what happened was wrong, brutal and, in many cases, illegal. In his address to the Parliament those 12 years ago, Minister Templeman said —

It is ... time for Western Australia, through this Parliament, to initiate a formal inquiry by a relevant standing committee into this issue.

The women and families who endured these horrible and cruel practices deserve our support. Let us take that next step. Let us not fail the people who have already been so gravely wronged. On behalf of the men and women here today, and the thousands more in our state, I ask the minister to be the champion in government that they need. As my colleague the member for Vasse has stated —

History is full of uncomfortable truths but that doesn't mean we shouldn't attempt to right some of the wrongs of the past.

Now is our chance as a Parliament to take that next step and do just that. I would welcome the opportunity to work with the minister and the government to progress this important issue.

MS S.F. McGURK (Fremantle — Minister for Child Protection) [9.21 am]: I thank the honourable member for raising this important matter in this place. As a government, we are strongly committed to ensuring that people affected by historical forced adoption practices are supported, and that current and future policies consider what has been learnt. I would like to acknowledge those people who are affected by this practice and have been advocates on this particular issue who are with us in the Parliament today.

The practice of forced adoptions was a terrible time in history for women in particular. From the 1950s to the 1970s, young women in Australia had their newborns forcibly removed from their care and “given” to married couples. According to the Department of Social Services, as many as 150 000 babies across the country were the subject of forced adoption, with some people finding out only in late adulthood that they were adopted. Earlier this year, as the member referred to, I met with several women affected by these practices to listen to their experiences and to better understand the impact it has had on their lives and the lives of their families. As described by an advocate who was removed at birth from her family —

“My mum didn't get to see me grow up or I didn't get to experience her being my mother.

“You can't fill that with lost memories—it's not possible.”

I want to take this opportunity to acknowledge those women and the profound, ongoing impact these past practices have had on their lives, and thank them for their strong advocacy on this issue. I would like to acknowledge those survivors who are no longer with us. It is heartbreaking to consider the effect that this traumatic separation of mothers from their children has had and continues to have.

The member referred to the member for Vasse's op-ed regarding forced adoption that was published in *The West Australian* last month. I would just like to correct a number of issues that were raised in that op-ed. I think this is a good opportunity to place some corrections on the public record. In relation to the complexity and nuance of adoption legislation, it is important that we understand the facts around that, in particular, the differences between what has been historical legislation and practice and what is the case now.

The undesirable consequences of past adoption practices, which were shrouded in secrecy, led to changes in adoption law both nationally and internationally. Western Australian legislation endorses open adoption, which recognises a child's birth parentage and cultural origins. Contact between the parties to adoption is encouraged when this is possible and appropriate. Old adoption laws in Western Australia allowed a birth parent to prevent the release of information as part of the adoption process. These were known as information and contact vetoes.

Following a review of the Adoption Act in 1997, it was concluded that the right for adoption parties to access information outweighed the continuation of confidentiality. Under the state Labor government in 2003, legislative amendments resulted in information vetoes ceasing two years from the commencement of the act. Existing contact vetoes would remain, but new contact vetoes were prevented from being lodged. An adopted person's right to be informed they are adopted is acknowledged and supported by legislation. Since the 1970s, the Department of Communities' files show that adoptive parents have been strongly encouraged by the department's legacy agencies to inform their adopted children of their adoption. The right for adoptees to know their identity and where they came from is embedded in current legislation and is emphasised in all aspects of adoption in WA.

In 2010, then Premier Colin Barnett provided an apology to the mothers and children affected by forced adoption, which the member referred to. It is acknowledged that this marked the first Parliament in Australia to offer such an apology and is to be commended. But I must ask: since that time, can members opposite outline what they subsequently delivered during their tenure in office for people affected by these practices? Unfortunately, it was very little.

The recently passed amendments to the Children and Community Services Act 2004 uphold the importance of children's connection to family, regardless of the type of protection order they may be under. The amendments to the act reassert this government's commitment to keeping children at home with their families when it is safe to do so, and keeping them connected to their culture, identity and community. Due to changing social and economic

conditions, the number of children being adopted both locally and from overseas has diminished in recent years. On average, there are five to eight adoptions of locally born children and between six and 10 intercountry adoptions in Western Australia each year.

It has taken the hard work of advocates in WA, such as the Association Representing Mothers Separated from their Children by Adoption, to bring the issue of historical forced adoption practices back on the state government's agenda, and to provide the foundation for us to progress this work as a priority. The lack of progress from the previous government on any of the recommendations of the 2012 Senate Community Affairs References Committee report on this issue means that we have had to revive this work anew, which unfortunately takes time. We are also looking at recommendations from the statutory review of the Adoption Act 1994 and the 2021 Inquiry into Responses to Historical Forced Adoptions in Victoria, as referred to. WA Health is also committed to partnering with the community on care and drafting an apology statement that acknowledges the truth of past practices and supports healing. It is an understatement to say that these recommendations, spanning a range of reviews and inquiries, are complex and far-reaching. They also encompass multiple portfolios such as health and justice. I can assure the honourable member that focused effort is underway across several agencies to respond to the recommendations that require attention. The McGowan government has continued to demonstrate its commitment by getting on with this work—unfortunately, something that was neglected for too long.