



AASW

.....
Australian Association
of Social Workers

Inquiry into past forced adoptive policies and practices

Environment and Public Affairs Committee
Parliament of Western Australia

SEPTEMBER 2023

About the Australian Association of Social Workers

The Australian Association of Social Workers (AASW) is the national professional body representing more than 17,000 social workers throughout Australia. The AASW works to promote the profession of social work including setting the benchmark for professional education and practice in social work, while also advocating on matters of human rights to advance social justice.

Acknowledgements

This submission has been developed in consultation with our members who are working across Australia in various social work areas of practice, most notably with people who have been affected by historic forced adoption. Many of these members are from Aboriginal and Torres Strait Islander communities and many members have their own lived experience of these events.

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Executive Summary

It is the AASW's position that forced adoptions have always been unethical and are completely against the values that underpin the social work profession regardless of its intention. The AASW recognises the loss and trauma experienced by the thousands of Australians harmed by forced adoption practices that occurred from the 1940s until the early 1980s. We acknowledge that many parents, usually young single mothers, were under enormous pressure to adopt and were not provided with the support and information they needed. This was, in no uncertain terms, a fundamental breach of their human rights. We join with Government and Community Services sector more broadly in expressing our sorrow and outrage at the injustices suffered by families subject to forced adoption.

We also recognise the coercive and the forced adoption practices of Aboriginal and Torres Strait Islander children for most of the 20th century which caused mass removals of Aboriginal and Torres Strait Islander children from their families and the forced separations of children, families and, communities over generations. The AASW's *Acknowledgement Statement to Aboriginal and Torres Strait Islander People* acknowledges the role of non-Aboriginal social workers in contributing to the mass child removal within in Aboriginal and Torres Strait Islander communities.¹ We recognise the fact that social workers were agents and enactors of forced adoption practices that were antithetical to the values and ethics of the social work profession in terms of respect for persons, human rights, social justice and self-determination.

The AASW commits itself to working in partnership with people who have been affected by these historic injustices to overturn the harm they caused and prevent them from re-occurring.

Recommendations

The AASW recommends:

- That the Western Australian government extend eligibility for Redress Services to people who have been affected by historical forced adoption.
- That the Western Australian government work with the AASW in promoting the registration of social work in Australia.

¹ Australian Association of Social Workers 2004, 'Acknowledgement Statement to Aboriginal and Torres Strait Islander People', <https://www.aasw.asn.au/document/item/618>, accessed 30 April 2020

Context for this submission

Social work is a tertiary qualified profession recognised internationally that pursues social justice and human rights. It is based on an abiding respect for the dignity of all persons, and the principles of collective responsibility, social justice, and respect for diversity. Social workers aim to enhance the quality of life of every member of society and empower them to develop their full potential.

Professional social workers consider the relationship between biological, psychological, social, and cultural factors and how they influence a person's health, wellbeing, and development. Social workers work with individuals, families, groups, and communities, across a wide range of settings including child and family services. Across every field of practice, they maintain a dual focus on improving human wellbeing; and identifying and addressing any external issues (known as systemic or structural issues) that detract from wellbeing, such as inequality, injustice, and discrimination.

The AASW's policy position on the health and wellbeing of children draws on the principles in the Convention on the Rights of the Child. All policies regarding the wellbeing of children must start from the position that: "the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding"². For most children and for most of the time, this is the family into which they were born. Nevertheless, there are circumstances in which the family into which a child was born is not able to provide such an environment. Even in those circumstances, any subsequent actions must conform with Principle 9 which states that "The child shall be protected against all forms of neglect, cruelty and exploitation"³.

The AASW acknowledges that past practices regarding children have not conformed with either of these principles. We also acknowledge the role that social workers played in these historic injustices. Interventions in the lives of children and families were in accordance with the prevailing beliefs and norms of the time but were antithetical to the values and ethics of the social work profession. In 2004 the AASW issued a statement apologising for past wrongs committed against Aboriginal and Torres Strait Islander peoples, and for the role of the social work profession in these past wrongs.

Today, social workers are employed in a broad range of areas relating to the health and wellbeing of children and families, including adoption information services, Forced Adoption Support Services (FASS), family support services, Child Protection, in Aboriginal Community Controlled Organisations (ACCOs), hospitals, school support services and youth detention agencies, and in undertaking research and social policy development within different levels of government and in non-government services. Recognising our role in enabling and enacting social policy, the social work profession in Australia is highly cognizant of our duty to uphold our professional ethics. This includes our professional duty to support families through publicly funded, easily accessible primary and secondary care, education, and health services and to avoid, where at all possible, tertiary child protection interventions. It also includes our professional obligation to uphold and

² (Office of the High Commissioner for Human Rights, 1989)

³ (Office of the High Commissioner for Human Rights, 1989)

respect the rights of Aboriginal and Torres Strait Islander children, families, and communities to self-determination and to act in accordance with their own interests and needs.

Responses to the Terms of Reference

Understand the lived experiences of those affected by historical forced adoption practices.

Experiences of children in institutions

Over the past two decades, a range of public inquiries have highlighted the experiences of victims/survivors who were forcibly adopted or removed from their families of birth. Many of these also describe significant harm suffered by these children, many in institutions. Accounts of the Stolen Generations, Forgotten Australians, and of people whose adoptive parents mistreated them, make for harrowing reading. The AASW acknowledges the courage of the many people who have shared their stories with this inquiry and is grateful for their contributions to our collective understanding of past injustice.

These historical accounts leave little doubt about the lack of care of governments and social welfare institutions for the vulnerable children, young people, and parents who came to the attention of health and welfare authorities, including Aboriginal and Torres Strait Islander people. The AASW acknowledges that social workers played a role in this treatment, and our response is discussed below.

An important aspect of this adoption practice was the lack of transparency in official processes accompanied by secrecy among the community. As a result, adoptees and their families still find it difficult to obtain documents regarding the adoption processes and the details of their family and heritage. This compounds the continuing trauma experienced by people who were subject to adoption, ensuring that it continues to influence each new stage of their lives.

Aboriginal and Torres Strait Islander Children

The AASW refers this inquiry to the submission of the Victorian Aboriginal Child Care Agency (VACCA) to Victoria's 2021 inquiry.⁴ In that submission, VACCA discusses the definition of 'forced adoption' in the context of the Stolen Generations: the forcible removal of Aboriginal and Torres Strait Islander children, which began from the early 20th century and continued for decades.⁵ VACCA demonstrates the continuity between the Stolen Generations and the continuing adoptions of Aboriginal and Torres Strait Islander children between the 1950's and the 1970's. Although the latter adoptions were conducted under legislation that also covered non-Aboriginal children, VACCA believes that adoption of Aboriginal children during this period needs to be considered differently from the adoption of non-Aboriginal children.⁶ For VACCA,

⁴ (Victorian Aboriginal Child Care Agency, 2020)

⁵ (Victorian Aboriginal Child Care Agency, 2020)

⁶ (Victorian Aboriginal Child Care Agency, 2020)

continuing dehumanizing attitudes, official policies of assimilation, and widespread discrimination and repression means that ‘voluntary consent’ was impossible.

The AASW refers this inquiry to VACCA’s description of the continuing grief and multi-layered trauma experienced by Aboriginal and Torres Strait Islander survivors of forced adoption and their families. Aboriginal and Torres Strait Islander members of the AASW have confirmed to us the commonality of their own experiences with the accounts of VACCA. Their recommendations for an effective response are described below.

Experiences of mothers

The historical forced adoptions included all closed adoptions where there was a failure to obtain fully informed and freely given consent from the mother (and in some cases the father) before the adoption proceeded. Many women whose children were lost to them through closed adoptions recount anguished stories that suggest they were subjected to a high degree of emotional and financial pressure, which amounted to coercion. These practices included, but were not limited to, deceiving and misleading single and vulnerable women to give up their parenting rights. These adoptions and the accompanying practices were a result of the commonly accepted views of the period, which featured a combination of inadequate financial support for families headed by a single woman, and the moral censure against women who were pregnant without a husband.

Examine the role of the State Government, health services and private institutions in these practices.

Historical forced adoptions were conducted by government departments and by many charitable organisations on behalf of the government. The employees were operating under a variety of titles, and in many cases, these employees were designated as social workers, regardless of their level of qualifications, or whether they were members of a professional association.

The AASW fully acknowledges that social workers and the welfare professions played an important part in the implementation of forced adoption practices in the historical period investigated. These practices included, but were not limited to, deceiving and misleading single and vulnerable women to give up their parenting rights. The prevailing social attitudes described above resulted in a continuum of thinking within the welfare sector where social workers were to “rescue” those vulnerable women from the “burden” and stigma of conceiving a baby outside marriage, and to “rescue” the baby from a life of poverty and inherited stigma.

It is important to remember that the lack of transparency described above was also the result of government policy, implemented by government and the organisations who conducted adoptions on its behalf.

Identify what measures are currently available to assist persons experiencing distress, their effectiveness, and how those persons may be supported further.

Aboriginal and Torres Strait Islander children and families

Based on the discussion above, the AASW endorses VACCA’s vision of what is required to effectively promote collective healing and reunification:

1. *Aboriginal people who were forcibly adopted need the same support as all Stolen Generations survivors;*

2. *Mainstream support services are not appropriate to meet the needs of the Stolen Generations and their descendants, including those affected by forced adoptions;*
3. *Resourcing is needed for Aboriginal models of support, promoting Aboriginal social and emotional wellbeing, reconnection, and cultural healing;*
4. *The (Western Australian) Government needs to resource and improve the implementation of the Aboriginal Child Placement Principle, and connection to culture and community, to prevent the cycle of continuing child removal and over-representation of Aboriginal and Torres Strait Islander children in out-of-home-care.*⁷

Post Adoption Services and Forced Adoption Support Services (FASS).

The Inquiry has already received submissions concerning the adequacy of these two services.⁸ The AASW believes that both services have an important role in people's recovery, and both should be funded to an adequate level.

Research shows that people who were affected by forced adoptions can experience profound trauma from the coercive nature of the removal. Importantly, this can re-surface at multiple points, and in different ways across their life course. Therefore, they require specialist therapeutic support which should be available to people of all ages.⁹ These services will need to be different from general counselling or psychological services. They need to be trauma informed and culturally appropriate, to maximise choice and to be built on a continuing trusting relationship.

Such services are not always available in the mainstream mental health system: it can't be assumed that all professionals have been trained specifically on working with the trauma associated with historical forced adoption.¹⁰ Indeed, social workers in post-adoption services report that the current level of funding to FASS is inadequate and that they cannot refer all adoptees to appropriate and publicly funded therapeutic services.

Therefore, the AASW believes that the services that are required are not those currently available through, for example, the Better Access pathway to psychological services. Instead, the services provided under the Redress Scheme for survivors of Child Sexual Abuse in Institutional settings are more appropriate to the needs of people affected by forced adoption.

Recommendation

- That the WA government extend eligibility for Redress Services to people who have been affected by historical forced adoption.

⁷ (Victorian Aboriginal Child Care Agency, 2020)

⁸ (Adoption Jigsaw, 2023) (Relationships Australia, 2023)

⁹ Kenny, Pauline, Daryl Higgins, Reem Sweid, and Carol Soloff 2013, 'Past adoption experiences: Impacts, insights and implications for policy and practice', *Communities, Children and Families Australia*, no. 7(1), accessed 30 April 2020

¹⁰ *ibid*

Consider any other matter that arises during the course of the inquiry deemed to be relevant by the Committee

The need for social work to be a registered profession

Social work remains complex and morally demanding work. Social workers operate in high-risk environments and their work continues to have serious consequences for vulnerable people. As part of its commitment to ensure that future child welfare practice enhances the best interests of children, the AASW maintains a commitment to the quality of the workforce. Central to this task is the need for more effective regulation of the social work profession.

Under existing regulatory frameworks, social work is not a registered profession in Australia, unlike other allied health professions such as occupational therapists, psychologists, and physiotherapists, who are registered through the National Registration and Accreditation Scheme (NRAS), administered by the Australian Health Practitioner Regulation Agency (Ahpra). Although the AASW is the peak body for the profession in Australia, it has limited powers. Membership of the AASW is voluntary and a large proportion of the workforce are not members. Currently, refusal of AASW membership is the strongest means of accountability, but this has limited utility in the context of voluntary membership. Regulatory and complaints authorities across Australia are not designed to address social work conduct and practice. This means that the public is still not adequately protected from harm by poor practices such as the ones identified during this inquiry. National registration of social workers means putting the public first. This change would improve public safety and care by ensuring that a national body is responsible for social worker registration, codes of conduct, professional standards, and ethical guidelines.

At a high level, the 2 key requirements to progress national registration of social workers are:

1. A 'lead' state or territory Health Minister to put forward an application for agreement by all state and territory and federal Health Ministers.
2. Agreement from Heads of Health Departments (and Health Ministers and other key stakeholders) that the social work profession meets the 6 assessment criteria for registration of the profession.

Recommendation

- That the Western Australian government, specifically the Western Australia Health Minister Amber-Jade Sanderson, and the Director-General of Western Australia Department of Health, Dr DJ Russell-Weisz, work with the AASW in advancing the registration of social work in Australia.

Conclusion

Social workers seek to learn from history and avoid repeating the mistakes of the past. Social workers work from a human rights and social justice perspective in partnership with individuals, groups, families, and communities. The AASW commits itself to continuing to address the wrongs of the past, and to ensuring that the human rights of individuals and communities are fully realised and protected.

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