



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**PROOF**

**MATTERS OF PUBLIC INTEREST**

**Child Abandonment**

**SPEECH**

**Wednesday, 24 June 2009**

BY AUTHORITY OF THE SENATE

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## SPEECH

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**Questioner**  
**Speaker** Polley, Sen Helen

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**Question No.**

**Senator POLLEY** (Tasmania) (1.25 pm)—I rise today to speak on an important matter of public interest: the ongoing issue of baby abandonment in Australia. In September last year, I spoke to the Senate on the urgent need to adopt national baby safe haven laws in this country as a means of immediately addressing the harm that can result to babies abandoned by their parents. At present, baby abandonment is treated as a criminal offence, with the mother or father able to be prosecuted for this action. A national system of laws would allow for the creation of baby safe havens across the country in pre-established, fully-staffed community buildings such as fire stations, police stations and hospitals. Here, a parent could legally abandon a baby up to a certain age without fear of criminal prosecution. At the same time, they would be able to leave their newborn in a safe environment where the child could receive proper care and medical treatment if required. The mother or father would also be offered, without undue pressure, referrals for counselling or assistance. This may in some instances be the open door that would allow them to access the help they need but are too afraid to ask for.

A safe haven would be a place of safety, a place of security, a place of complete anonymity and tolerance and free of intimidation or reprisal. It is this environment that would ultimately encourage mothers to leave their newborns here, as opposed to a rubbish tip, a back alley, a park or a toilet block. These sorts of places expose an already fragile new baby to the harsh elements, with no guarantee of being found soon or by someone who can offer them safety and proper care. It is having to resort to places such as these that ultimately leads to the child being found dead rather than alive.

Anyone would agree that it is never ideal for a mother or father to abandon their child. Whatever life circumstances lead to a parent making this decision, it would always be preferable for a child to be raised by its parents in a loving and safe home environment, and if the parents were experiencing difficulties in life they could and would receive assistance to overcome them. This is the idealistic scenario that we would all prefer, but it is not grounded in reality. No matter which services or programs you offer before or after birth, how the services are targeted or funded or how heavily they are promoted, it is a simple, undeniable fact that some mothers will choose to abandon their newborn babies. This may be due to fear, shock, denial, addiction, poverty or pressure from others. It may

have to do with a lack of support or a feeling of helplessness. It could be for any number of reasons. And, yes, most of these issues could be overcome with the right assistance. But the simple fact remains that some people will not seek assistance. They will act out of fear and they will abandon their baby as a result. It is this reality that we as a nation must accept and plan for, because the one who has the most to lose in this scenario is the baby—and the loss is often his or her very chance of life.

Since I first spoke to the Senate in September last year, there have been three more reported abandonments of babies, the most recent being only weeks ago in South Australia and involving a teenage mother. One baby was abandoned on a stranger's doorstep, one was found at a tip after being dumped in a rubbish bin and one was found in the grounds of a high school. Only one of these babies was found alive. Please ask yourselves honestly: if those three mothers had access to a legal and safe option for abandoning their baby and if they felt supported in making the decision that they, for whatever reason, felt they had to make, would they still have abandoned them where they did? Would those babies in fact have had a better chance for survival if the options were at least there? Do we really want to be the kind of society that denies the problem, focuses solely on assistance services and treats scared and fragile mothers as criminals? What are we saying about the value of human life when we know that some people will abandon their babies yet we do not give them any alternative but a cardboard box on a winter's night?

How many babies will need to be saved as a result of the establishment of safe havens to justify their need? Just one. One child would have a chance to grow up and grow old, however imperfect that upbringing might be, all because we allowed pre-existing buildings and pre-established staff to receive those babies from their mothers. We are not talking about significant new infrastructure, additional demands on staff in already stretched workplaces, staggering amounts of funding or a dramatic change to the Criminal Code. We are talking about removing an act as a criminal offence and promoting the use of certain sites for an additional purpose. It is about as simple and effective as any possible new proposal could be, yet still we shy away from that change because the issue is simply too ugly and confronting to accept. It is as though legalising it

somehow condones it or makes it suddenly real. It is real and it is looking for us to condone it. It happens without warning in any state or territory at any time of the year and it happens largely because frightened mothers feel that we do anything but condone them. They act out of fear—fear of this newborn life they cannot cope with and fear of what others will say and do if they hand the child over.

After speaking on the issue in the Senate last year, I wrote to all federal, state and territory attorneys-general in an attempt to coordinate a nationally consistent and agreed approach to the establishment of baby safe havens. In my letters I pointed out the success achieved in the United States of America, where 46 states have enacted safe haven legislation under enormous support from the general public. I stressed the need to have uniform laws regarding baby abandonment across Australia and how possible it was to achieve this. Two of the attorneys-general did not respond to my letter in any way, one acknowledged my letter but never provided a response and six more acknowledged my letter and provided responses. Some responses talked about how a state would never actually prosecute a mother who abandoned their child—because that would be too harsh—but they did not acknowledge what the next logical step would be to remove this as a criminal offence. Others fell back on the same old line that it is better to provide support services for parents—as though the parent is going to be rational enough to ask for help or perhaps leave their name and address when they do abandon their child—so the right services may later be offered. Another effectively told the Commonwealth to butt out of what is a state jurisdiction. Yet another responded without actually rendering an option.

But I am not disheartened. This only makes me more aware that I will have to deepen my education campaign so that they may better understand the reality, practicality and necessity of baby safe haven laws. I have also pressed on with the collection of signatures for petitions calling for the establishment of baby safe havens. One of the petitions was presented to the Tasmanian House of Assembly by the Tasmanian parliamentarian Heather Butler, the member for Lyons, in March of this year. Another was presented to the Senate in May. These petitions continue to attract attention and support, and the signatures keep coming in. They keep coming in because more and more people are beginning to understand, with each new abandonment—and especially with each new death—how tragic and how avoidable these situations are. I remind my colleagues here that these are only about the abandonments where the babies are found. We do

not know how many more babies in this country are abandoned and never found.

We can offer more than we are at present. We can provide a more real and more secure alternative. We can come together and coordinate a truly national approach to this issue with relative ease and minimal cost. We can face the ugly truth of abandonment in Australia and act out of common sense and rationality rather than out of a sense of idealism and denial. Indeed, we must do this. We cannot have one more infant death under such circumstances and accept it as just a fact of life. We can act, we must act and I will continue my campaign tirelessly, repetitively and indefinitely so that we can have public debate on what I see as a very important issue in the fabric of our society.