

27 July 1999

Jubilee Room, Parliament House, Sydney

At the request of the witness, this evidence was heard by Committee Members only.

ERIKA ANNE BERZINS, Adoptee, sworn and examined:

CHAIR: Did you receive a summons issued under my hand in accordance with the Parliamentary Evidence Act 1901?

Ms BERZINS: Yes, I did.

CHAIR: You are conversant with our terms of reference?

Ms BERZINS: Yes, I am.

CHAIR: Do you want your submission to be included as part of your sworn evidence?

Ms BERZINS: Yes, I do.

CHAIR: Do you want to commence by saying something or do you want us to go straight into the questions that we have sent you?

Ms BERZINS: I have an opening statement.

CHAIR: Just to be clear, your evidence is being given to us in confidence which means that when we produce the transcript your name will not appear. You will appear as "Witness 3".

Ms BERZINS: I actually have no problem with my name appearing in any of the evidence.

CHAIR: Thank you.

Ms BERZINS: I wish to have it noted that I come before the Committee today in response to a request from the Committee and that it had never been my intention to request a hearing at this inquiry. It was a difficult decision for me to make to appear before this Committee as I question the relevance or appropriateness for adoptees to be involved in this inquiry. The inquiry is about practices that led to the separation of birth parents from their children in adoption; therefore, I question the relevance of the adoptee experience to the findings of this Committee. However, in light of the resolve of the Committee to hear from adoptees, I made the decision to appear due to my extensive and ongoing involvement in the adoption community. I also wish it to be noted that any evidence I present, anecdotal or otherwise, is from my personal experience and in no way am I appearing in order to represent any adoption or other organisation with which I am involved. Finally, I have prepared responses to the questions that have been provided, as they are quite complicated and required a lot of thought. I will read out those answers to the questions but I will answer any other questions raised as best I can.

CHAIR: Could you explain to the Committee the nature of your involvement with the adoption agencies and support groups that you outlined in your submission?

Ms BERZINS: By drawing on my personal experiences of adoption, search and reunion, I view my involvement in the adoption community as one of education and support. I also strive to increase the awareness in the wider community of the effects of adoption and the right of all people to information about themselves. In doing this I make myself available in a voluntary capacity to a number of organisations and in a variety of roles. This includes speaking to groups such as inter-country and local adoption preparation seminars for prospective adoptive parents that are run by the Department of Community Services [DOCS]. In this capacity, I speak of my personal experiences, primarily during childhood, of adoption and aspects that did or would have helped me in that experience.

I maintain extensive contact with the Post-Adoption Resource Centre [PARC] which involves assisting in special projects undertaken by PARC, speaking at reunion and information meetings about my experience of search and reunion, and representing adoptees on the PARC advisory committee. I have also spoken at both DOCS and PARC professional development and information days on my experience of adoption, search and reunion to assist professionals within the care industry to understand the implications of adoption for adoptees.

In addition, another adoptee and I jointly established and co-ordinate a social support group for adoptees called Journeys. It is the purpose of this group to provide a casual and informal atmosphere in which adoptees can talk freely among themselves

about their experiences. I am also a member of the Donor Conception Support Group as I fervently believe in the rights of families affected by donor conception to have similar rights to those of the adoption community to information and support services. I am a representative of the Donor Conception Support Group on the New South Wales Committee on Adoption and Permanent Care. These are my primary roles in the adoption community. However, I also carry out other functions as requested on occasion for other agencies and support groups.

CHAIR: What prompted you to get involved in the provision of support and information for persons affected by adoption?

Ms BERZINS: I guess there are really two main reasons: first, because I believe both in the right of any person to have knowledge about their heritage and their history and in the right of access to information that is fundamentally about them; and, second, because I wanted to give something back to the adoption community as a result of the assistance and the support I have received in my own personal journey. I felt that through sharing my experiences of adoption, search and reunion I might be able to assist others in their own journey.

The Hon. Dr A. CHESTERFIELD-EVANS: In your submission, you say you have extensive contact with persons affected by adoption. Are you able to provide the Committee with an overview of what those people tell you about past adoption practices?

Ms BERZINS: In answering this question, I am mainly addressing those experiences of birth parents and, in particular, birth mothers. The reason for this is that both adoptees and adoptive parents do not often speak of past adoption practice in describing their experiences. It is difficult to give an overview of all the experiences I have heard over the years. Each experience is unique and each experience comes solely from the perspective and attitudes of the individual. However, in general terms, women who have spoken with me have talked of common pressures to relinquish their children. The overwhelming pressure came from their own families and the lack of financial support. In some cases, women have spoken of the pressure to keep the pregnancy secret from their own families and friends for fear of the shame and stigma that came with falling pregnant out of wedlock.

Many birth mothers, including my own, have spoken of the nurses and doctors in hospital treating them as second-class citizens, and have spoken of not being allowed to see their baby and the grief that resulted in this denial. Many have spoken of how agency workers encouraged adoption as a means of providing a better life for the child than they themselves could have provided. I cannot recall in any of these conversations a birth mother who has ever attributed just one reason for relinquishment; rather, the heart-wrenching decision was based on a number of these factors, if not all of them. The majority of women I have spoken with over the years have stated that the decision is not one that they wished for themselves but they wished to provide a better life for their children than they were able to provide.

The Hon. Dr A. CHESTERFIELD-EVANS: Could you tell the Committee about your own experience of adoption? For example, when did you discover you were adopted? How did you respond? What are the short- and long-term consequences of adoption for you?

Ms BERZINS: I will answer this question, but I question the relevance of it to this inquiry in terms of the way the question is worded. I will answer it as best I can. Both my birth mother and I believe that adoption has provided me with a more stable and secure life than she would have ever been able to give, though I sometimes experienced that as a hard life and one in which much sadness prevailed. Despite my knowledge that I did have a more secure life than I could with my birth mother this does not take away the sadness that resulted in not sharing in her life. I was told of my adoption at the age of three when I asked my parents why I looked different from them. I do not remember this. They told me that I had another mother and father and that they could not take care of me, and that was how they became my mother and father. The first time I remembered understanding what it meant to be adopted was when I was seven. It was not something I found unusual or strange. It was simply an awareness that the method in which I came into the family was different to that of my sister who was not adopted. It was no great revelation; it was simply the way it was.

I do not think that adoption can ever be described as having short- or long-term consequences for the adoptee. It is a lifetime status. It does not end when we become adults; nor does it end when we search or have a reunion. Rather I think that the experience of adoption changes throughout our lifetime. How that changes and affects the individuals is a huge question to which I could not do justice in the limited time available. Perhaps a more appropriate response is for me to give a brief outline of my experience as a child and my experience as an adult exercising my right to information. My own experience of adoption as a child was that I never found it to be strange or unnatural. It was, and is, the only life I know but what it meant for me was that I had to assimilate adoption into my life. As a child with no prospect of legislation ever changing to enable me to answer questions, I had to learn to accept that there was a part of me I would never know and that there were questions that may go unanswered for an entire lifetime. It also meant that I dealt with many issues not normally confronted by children or teenagers and that I had to deal with those issues and to find my own identity from sources known and some unknown. It also meant that from time to time I felt sadness for not knowing my birth mother or anything about her.

As an adult in reunion, adoption meant that I again had to redefine myself, having gained a new knowledge. It meant that I had to find a position for all these family members in my life and that I still had to deal with unanswered questions and secrets, and their insecurities as well as my own. However it also brought enormous value to my life to be able to share in my birth parents' lives as well as the lives of my adoptive parents and each of their families. One of the difficulties I have discovered in recent years is that there are always issues arising which serve as reminders of just how tenuous relationships with birth parents can be, no matter how positive the reunion is. This has been a very brief answer to a very large question. I think that the most important consequence

of adoption for adoptees is that it is a lifetime status in which we were incapable of having any control. I continually re-evaluate the role of adoption in my life as I experience more of life and with an ever-growing knowledge of myself.

The Hon. Dr A. CHESTERFIELD-EVANS: Do you think the fact that you knew it from day one, or as soon as you could consciously conceptualise it or accept it, made it easier on you than if it had been dropped on you later?

Ms BERZINS: Yes, certainly. It was the knowledge that I guess I grew up with, so having been told that from such a young age meant that I was able to grow into and with that knowledge as I gained the ability to reason.

The Hon. Dr A. CHESTERFIELD-EVANS: It was as though you had been given to another family for a reason you did not understand, but for a reason.

Ms BERZINS: For a reason I did not know - Yes. Not necessarily did not understand although I did not know what those circumstances were; I surmised what they were - having been told so young enabled it to be a fairly natural thing from my experience, because it is the only experience I know. I do not know what it is like to experience not being adopted, because that is my life experience. But it was, I believe, a lot easier to deal with.

The Hon. Dr A. CHESTERFIELD-EVANS: It was better than having your life based on a con, as it were, where you discovered when you were 15 or so that you were adopted?

Ms BERZINS: Yes. I really cannot imagine the heartache that that would cause, to discover at a later age.

The Hon. Dr A. CHESTERFIELD-EVANS: But you have been working with people who have that experience?

Ms BERZINS: Yes, I have. I have had contact with people who have that experience.

The Hon. Dr A. CHESTERFIELD-EVANS: Did you receive counselling, either at the time that you were told of your adoption or in the longer term?

Ms BERZINS: I certainly did not at the age of three. I guess it is really only in the last couple of years that I have received counselling, but that has been as a result of a specific incident that has occurred in my life. Although adoption is not directly related to that incident, it does play a role. During this counselling many issues have arisen, some of which are directly or indirectly related to adoption and my relationships with my various families. Adoption is, and will always be, a part of who I am because it is such a fundamental part of my life experience, and as such adoption will quite often play a part in my attitude to values and belief systems in daily life as well as in response to life's stresses.

The Hon. Dr A. CHESTERFIELD-EVANS: Did you attempt to locate your past records, and did you experience any difficulty obtaining them?

Ms BERZINS: The only difficulty I experienced in accessing records was the time delay in the early period following the introduction of the legislation. I was able to gain access to all records that I applied for and that were available to me under the Adoption Information Act. I did, however, experience enormous difficulty in locating my birth mother.

The Hon. Dr A. CHESTERFIELD-EVANS: How old were you when you tried to obtain those records? Was there a period when you tried to obtain them but you could not by law?

Ms BERZINS: No. I never attempted to get records. I was always aware that I was not able to get records until the legislation came into effect.

The Hon. Dr A. CHESTERFIELD-EVANS: Did it bother you that you could not obtain the records because the law said so?

Ms BERZINS: Yes, probably a little. I guess I had an interest in questions in my own mind that I would have liked answered, but I was brought up with the knowledge that I would never be able to access that, so I had already dealt a lot with that in my teenage years; I had to learn to accept that I would not have that knowledge. After Victoria changed their legislation in 1984, I made inquiries of how I would go about searching if that is what I wished to do. But at that point in time I had not made a decision about whether I would search or not.

CHAIR: Had your birth mother made any attempt to find you?

Ms BERZINS: No.

CHAIR: So you made the contact?

Ms BERZINS: Yes, I initiated the search and made the contact.

The Hon. D. F. MOPPETT: In your submission you explain that to learn that you were stolen, as you put it, or that your birth mother had been coerced into relinquishing you would result in considerable heartache. Could you elaborate on that?

Ms BERZINS: Yes. The first thing I would like to say is that, in order that my response to this question is not taken out of context, I would like to use the words "illegally removed" in place of "stolen". It was a very generic term I was using in my submission to explain certain practices. I do believe that there is an area of thought in the community that adoptees would

somehow find the circumstances of their adoption easier to accept if it was not the conscious choice of their birth mother. That the knowledge that their birth mother had been coerced or that the child had been illegally removed would make adoptees feel better about being adopted. That they were not rejected by their birth parents. I can see how being told this may help adoptees who experience feelings of rejection. My fear is that there are other issues raised by being told that the separation from one's birth mother was not legal.

I thought long and hard about what it would be like to learn that it was not my birth mother's choice to relinquish me, and that I had been illegally removed or that she had been coerced or had given consent under duress. As this was not our experience, I can only imagine. I think that I would feel a sense of divided loyalty between my birth families and my adoptive families, feeling pressure to give more of myself to my birth parents to make up for their past losses. I think I would experience a sense of guilt, albeit irrational, in maintaining the position I give my adoptive parents in my life as my family. I also think that there would be an added guilt of never having questioned my birth mother's ability to control or have choice in our separation.

I feel sad that relinquishment has caused my birth mother so much pain, and for the effect of that decision on her life even though it was her choice. I think had I been told that it was not her choice, I would have experienced feelings of overwhelming sadness, anger and grief and a huge sense of loss at having what should have been naturally ours taken away. Comfort for both of us is drawn from the knowledge that all parties to my adoption made the best decisions that they could at the time. Both my birth mother and I are grateful at having an opportunity of sharing in one another's lives from now on. How much harder would it be to form a relationship with my birth mother in reunion when I serve not only as a constant reminder of her loss but of a period where control was taken away from her? How would my relationship with my adoptive parents change with their learning that their gain was a result of another woman's denial to a child?

Even in my own experience of adoption and reunion, the issue of lack of choice has touched me through my birth father. He was not aware of the pregnancy, much less of my birth and adoption, until the day before he met me. This, coupled with his own history and cultures, created enormous anger and heartache for him. It has affected our ability to maintain a relationship because he finds it difficult to acknowledge that I have another family, including a father. His anger and sense of loss has caused him to become a victim in our reunion and to overtly blame my birth mother for his loss. Although information can help adoptees to understand their adoption, the circumstances that led to the adoption do not change or take away the fact that our experience is still one of being adopted. Knowing our story may affect our perception of ourselves, our behaviour, and our relationships in our life. However, nothing that is learned in hindsight alters the fundamental fact that we are adopted.

The Hon. D. F. MOPPETT: Your response centres on your own experiences, although you have touched on general matters. The next question relates to your contact with other people who have been in that situation, whether you are able to relate to us their experiences in that regard and whether you could suggest any measures which might assist those who feel hurt or dispossessed because of this concept of having been stolen.

Ms BERZINS: It is a difficult question for me to comment on. Specifics around past adoption practices are really not discussed, partly because the relevance to their experience is less than that that affects adoptive parents or birth parents. In my discussions I guess sometimes adoptees question the validity of the story that their birth parents are giving them around the relinquishment or the separation, particularly where the birth parents do not wish to have ongoing contact. Again this makes it very difficult for me to comment on this question. With what I imagine to be the enormous pain and grief associated with such a discovery, I really cannot imagine what measures would assist them other than the counselling and support services that are already available.

The Hon. D. F. MOPPETT: Can you explain to the Committee your experience of reunion?

Ms BERZINS: Again this is a large question and time does not really enable me to give you a true explanation of "reunion". In brief, I began searching about 12 months after the Adoption Information Act came into effect. Initially my search was one of curiosity and of a wish to have some questions answered. I did feel, though, that I could go on and live my life without knowing. But as I gained more and more information during the search, it became more of a yearning to find out whether my birth mother wished to meet me or not. It was a very long and difficult search, with the usual searching methods proving fruitless. Eventually it was quite by accident that I came across some information that enabled me to locate her. I approached PARC, who mediated the reunion, and after some time I met both my birth parents together. They had not seen each other in 20 years either.

It was a very happy and rewarding experience, and the relationships that developed have been very important to me. It has been a very difficult road, with many ups and downs and certainly an emotional rollercoaster. However, up until the past year or so I shared a very close relationship with my birth mother and her family, but due to a particular incident the relationship has more recently experienced difficulties. I have not been in contact with my birth father or his children for a few years now, primarily due to his inability to accept that I have another family. The search and reunion have been a very important part of my life, it has been an experience in which I have grown enormously as a person, and it has enabled me to feel more grounded in the world.

CHAIR: What measures do you think would assist adoptees experiencing distress due to past adoption practices? Would you comment particularly on reunions and counselling?

Ms BERZINS: I do not know if I am really in a position to suggest measures that relate directly to adoption practice that would help adoptees. Past adoption practice is really only one part of the adoptee's experience, and in some sense one that is way beyond the adoptee's control anyway. So it is difficult for me to suggest things that would be helpful with that one particular issue.

Rather, I guess I can comment on measures that might be helpful for adoptees in dealing with the many issues surrounding adoption, including any distress. I believe that currently available support services such as individual counselling and group therapy assist adoptees in dealing with their experience of adoption. More funding would enable those services to be extended to address a larger range of issues, for example, groups run for specific issues or minority groups, such as people facing rejection either in reunion or just feelings of rejection, dealing with loss, trans-racial issues and assertiveness.

From my own experience of reunion, and for those of the many adoptees I have spoken with, the vast majority have found that reunion helped them in their own personal discoveries. It has helped many to define their identity by defining the origin of their traits. It has helped many to know the circumstances around their adoption and has provided many with valuable relationships. For many adoptees, including myself, reunion is an important part of the adoption experience and value can be drawn from it, but it is not everybody's wish to have a reunion.

CHAIR: For people who were adopted in the past, the secrecy of past adoption practices was very different from the experiences of today. I suppose we are trying to tease out the relevance of those past adoption practices in the hope that similar experiences do not occur in the future.

Ms BERZINS: It is still very difficult for me to comment on that, because it is simply our experience. As people who have lived the system, we really do not have anything to compare it with.

CHAIR: But in your activities as members of the different committees, support groups and so on, you must feel that there is something different to compare your experience with?

Ms BERZINS: I guess on an intellectual basis, yes. And certainly the practices that are occurring today are very much different from those of the past. But again it is still difficult, particularly with adoptees, because they really had no conscious awareness of the practices. They are really the result of a practice, as opposed to being involved or being a victim of practices or encouraged by practices, either in a positive or negative way. They are simply a result of practices that involved adults and a lot of other people. In terms of my discussions with adoptees, practice is really more of a minor role in terms of their whole experience.

CHAIR: But those past practices, which produced the effects in adoptees that you are describing, then in turn impact on the birth mothers at the point of reunion, for instance, or the acquiring of information, so that circle continues, does it not?

Ms BERZINS: Yes, I agree with that. But in terms of what services are already there now, they are providing for that, because it has always been the case that because of the secrecy and because that was a common experience amongst adoptees and birth parents, that has been addressed from day one in the counselling and group services that are available now.

CHAIR: Not from day one, not going back to when the children are born?

Ms BERZINS: No, day one from the Adoption Information Act.

CHAIR: The Committee is looking at past practices and their effect. As you say, the focus is very much on the mothers. There is a circular effect from the way in which the adoptees have reacted and what they have been able to find out, reunion and counselling services and all the things we are asking you about. Those in turn have an impact back on the mothers.

Ms BERZINS: I am not sure that I can say any more than I have said. In the adoptees' experience I do not know that past adoption practice can be treated as an isolated part of the adoption experience of the adoptee.

CHAIR: You have partly answered our final question, commenting on the adequacy of existing services giving your experience of counselling and so on. Do you have any suggestions for improvements or comments on specific gaps?

Ms BERZINS: Firstly, I do not have any experience in counselling, nor have I directly received counselling from any of the adoption agencies as such. Other people affected by adoption have related experiences to me. Also, with my association with a number of organisations, I can make some suggestions for improvement. I believe that the services currently being provided for adoption are of a high quality and standard of professionalism. From my dealings with the agencies and support groups I believe that there is a wealth of knowledge and experience. There is a commitment to continued learning and an openness to listen and learn from those who have lived the system. This is very important not only in acknowledging the individual experiences but also in providing for the needs of those affected by adoption from the past, in the present and also in the future.

In suggesting improvements and identifying gaps, there are some areas that need to be addressed such as people that are personally affected by adoption who also suffer from mental illness or intellectual disabilities. There is a need for professionals in the adoption field who also have extensive experience in these areas. I also believe that further funding is required in order to provide training and support services in country New South Wales. Those in metropolitan Sydney benefit from being able to access resources with relative ease. In country areas there are rarely professionals trained in or with the knowledge of adoption and adoption-related issues. Therefore country people are reliant on phone counselling and written material from Sydney, and a very occasional visit from Sydney professionals. Finally, adoption work and post-adoption work are a female-dominated area with few, if any, male counsellors or social workers. Since males are often confronted with different issues from females, access to male professionals would be useful. Initiatives must therefore be undertaken in order to encourage male professionals to become involved in adoption issues and the provision of adoption services.

The Hon. H. S. TSANG: Do you think that adoptive parents could ever provide the kind of care that you feel would be equal

to that given to the brothers and sisters who are the natural children of adoptive parents?

Ms BERZINS: I am not sure that I understand your question.

The Hon. H. S. TSANG: As an adoptive child, given the best care by adoptive parents, do you feel that because you know your past that it is very difficult - you are handicapped so to speak?

Ms BERZINS: I do not feel handicapped.

The Hon. H. S. TSANG: I mean, there is something worrying you.

Ms BERZINS: Yes, it is a very difficult question. I do not feel disadvantaged in any way by being adopted. In some sense it has given me a lot, but I have also lost a lot. But I have no comparisons. That is what my experience was. I do not know what it is like to be raised as a biological child with my birth parents. I can see some differences between my sister's relationship with my adoptive parents and my relationship with them, she being their biological child. But that is as far as I can say. I certainly do not feel any disadvantage, and in some sense I have probably benefited more in some areas.

The Hon. H. S. TSANG: You are special.

The Hon. D. F. MOPPETT: I was a bit like Mr Tsang. I tended to gather from what you have said from your experience that from the point when those changes were recognised in the Adoption Information Act the concept of adoption as it had been known up until then was completely superseded and that the word "adoption" could no longer be applied. Up until then it had implied almost an attempt to make an organic union of the family, whereas now the link to the birth family is encouraged and maintained. It becomes a rather different relationship from what people had at least envisaged as adoption in the past.

Ms BERZINS: The Adoption Information Act put in place the infrastructure but in my experience with dealing with adoptees and from my experience as an adoptee there were always questions there. I was raised to believe that my questions would never be answered, that I had no right to know, that I had been given a better life by not knowing. The implementation of the Act and the change in the legislation came about partly as a result of societal changes. It also created societal changes and attitudes as well. I guess it made it okay for me to voice things that I had felt but had been estranged from because it was not socially acceptable. I am not sure whether that answers your question.

The Hon. D. F. MOPPETT: It is a very difficult question. I am speaking to you not directly but as a result of your experience. This inquiry tends to be self-recruiting: The people who come along are the ones who feel aggrieved. This is why I like to speak to witnesses about it, because it is no good just being my anecdotal experience. It always surprises me how many people did adopt children in that period - certainly living within a reasonable radius of where I live in the country. I would say that perhaps a quarter of them have been interested in finding their origins. Others, knowing that they could do that, have rejected that concept, perhaps through fear of a painful experience. I cannot attribute any reason to those who do not seek information. What has been your experience? Do you think that sort of proportion -

Ms BERZINS: That is a very big question. There are a lot of reasons. It is also important to recognise that it is an individual decision. All adoptees do not want to search. Some may simply be interested in knowing more information. Some may be interested in not knowing anything. But it is very much an individual experience. In situations such as this, and in situations that I research, certain areas are misrepresented simply because of the people who come forward. In most cases you are asking for volunteers and not demanding that a cross-section of society be assessed. So it can certainly be misrepresentative. I could not put it down to figures. I can give ideas as to why some people search and some people do not. But it is very anecdotal and generalised. It is a very individual decision.

The Hon. D. F. MOPPETT: But your professional contact is basically with people who have started on the process of seeking more information. You would not contact the ones that do not.

Ms BERZINS: Yes, I am more likely to be in contact with those people who do go on to search or who have questions or needs within the community. At the same time, in the seminars I do with DOCS I also speak to a lot of people who are considering adoption. They are people who are considering parenting a child through adoption. That is another side I see as well, but that is in the very early stages, when they are thinking about it.

The Hon. H. S. TSANG: Madam Chair, could I pass on my experience to you? I have a sister who was adopted. I made several attempts to get in touch with her. I met with her parents and her. We went out together and she definitely knows that I am her brother, but she feels that she is very stable and she does not want any more contact. She moved further away - in fact she migrated overseas. So sometimes when you try to get in touch it can drive them away if they feel that they are stabilised.

Ms BERZINS: Stability is a big question around adoption. It is not whether you are a stable person or not that determines whether you do or do not search. There are an enormous number of factors that result in the decision to search. Again, it is a very individual thing. I do not necessarily think that security or stability or a lack thereof -

The Hon. H. S. TSANG: Her stability in terms of the relationship with her parents and so on. It was very stable. She feels that stirring up things might not be the best practice.

Ms BERZINS: In my experience and from speaking with many adoptees they also have very stable and secure relationships

with their adoptive parents but they choose to search for their own reasons.

The Hon. H. S. TSANG: Thank you very much.

Ms BERZINS: I would like to make a closing statement. I think it is really important that we do not ever judge the past by today's standards. That is not to say that I do not believe that there should be accountability where there are very clear-cut lines. However, I think that the era, the social climate and the impact of societal views must also be taken into consideration in looking at any practices or systems from the past. Although legislation is put in place to ensure that particular standards are complied with, legislation is open to interpretation and then can be clouded by societal moral standards and values of the day. Who is to say in 20 years time that we will not look back on today's standards and practices as being lacking?

Although I believe that there were few occasions in which ethics and legalities of adoption practice could be called into question, I do not believe that it is to the extent that was publicised in the lead-up to this inquiry. We can learn from the past in providing for the future needs of those affected by adoption. However, I question the helpfulness of apportioning blame to any one segment of society when there have been so many influences and factors contributing to birth parents and their children being separated through adoption. I would like to say in closing that though I have had difficulty in answering some of the questions I hope that I have been able to provide you with some information at this inquiry.

(The witness withdrew)

MAREE KYLIE KEY, Psychiatric Nurse, and

JUDITH ANN ROSCOE, Public Servant, sworn and examined:

CHAIR: Ms Roscoe, did you receive a summons signed by me?

Ms ROSCOE: Yes.

CHAIR: Are you conversant with the terms of reference of the inquiry?

Ms ROSCOE: Yes.

CHAIR: In what capacity are you appearing before the Committee?

Ms ROSCOE: I am appearing in the capacity of a mother who had her child taken from her for adoption.

CHAIR: Do you want your submission to be included as part of your evidence?

Ms ROSCOE: Yes. I have made two submissions and I would like them both included.

CHAIR: Would you like to start with a statement or should we proceed straight to the questions we have prepared?

Ms ROSCOE: I am happy to go straight into questions.

CHAIR: Ms Key, in what capacity are you appearing before the Committee?

Ms KEY: As an adoptee.

CHAIR: Did you receive a summons issued under my hand?

Ms KEY: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

Ms KEY: Yes.

CHAIR: Would you like your submission to be included as part of your evidence?

Ms KEY: Yes.

CHAIR: Do you want to make any statement or shall we proceed straight to questions?

Ms KEY: I think we will go straight to the questions.

CHAIR: We have had a request from the media to take photographs without sound. Is that all right?

Ms KEY: Yes.

Ms ROSCOE: Yes.

CHAIR: The media are aware of the rules about not focusing on individual faces in the gallery and I am sure they will respect

that. Judy, could you explain to the Committee the circumstances surrounding the confirmation of your pregnancy in 1961? For instance, how old you were, how you felt about the pregnancy and who did you discuss it with?

Ms ROSCOE: When I suspected that I was pregnant I went to a doctor not attended by my family and he confirmed that I was indeed pregnant. My parents were very strict Catholics and the thought of telling them was very frightening to me. So I did not tell them at that point. I told my boyfriend and we talked about getting married. We even went and saw the priest at North Sydney. I am not sure why, but he advised us not to tell my parents until I was about three months into the pregnancy. So, as I was not in the habit of questioning what priests said, this is what I did. I worked at a bank near my home and eventually told my mother during a lunchbreak. I guess this gave me an escape once I told her. My mother's reaction was much as I had expected: very negative, although I do not remember what she said. I feel that I have blocked that out. At some stage I was allowed to meet my boyfriend in a local park, with my parents nearby in a car, to basically tell him it was finished - that was my parents' view, not mine. I was very upset when he turned up drunk. I had not seen him in this state before. I do not judge him on that; he was only 18 and he had a lot on his shoulders too.

My mother sought advice from the local priest. I was told by my parents to resign from work and my mother took me to see a social worker at the Catholic welfare bureau. The conversation was mainly between my mother and the social worker, and as an end result I was offered a choice of going to Saint Anthony's or a Catholic family in the country somewhere. I chose Saint Anthony's because it would mean I could still see the father of my baby, although I had been told that I could not see him again. I was very young, 16 years old, and having grown up in a family where children were to be seen and not heard, I was not able to fend for myself. I had been taught not to question authority and found it impossible at that stage to do so. This was a predicament that still fills me with remorse and guilt to this day - the fact that I should have stood up for myself and my daughter. However, much of what I have heard from others seems to indicate that even if I had it would not have made a difference.

The only other people I discussed the pregnancy with would have been my sister, who, although she was concerned about me, from memory, was understandably mainly concerned about how my parents would react. At no stage did I contemplate giving up my baby, and I was not asked whether this was my intention. I continued to see the father of my baby up until after she was born. Approximately two weeks after I told my mother, I was taken to Saint Anthony's. My mother wanted me out of sight before I started to show.

CHAIR: In your submission you explain that once you were at Saint Anthony's giving up your baby for adoption was just considered the right thing to do. Can you tell us something about the advice the staff at the home gave you and, in particular, the counsel that the priests provided?

Ms ROSCOE: The culture at St Anthony's was all geared to giving up your child. The girls there, naturally enough, talked amongst themselves. They talked about how when you went to the hospital you would not be allowed to breastfeed your baby, and indeed it was general opinion that you would not be allowed to keep your baby. So it was clear from day one that I would be up against it and yet I firmly held on to the belief that I would keep my baby. I remember when one of the girls there had a baby with a hole in the heart she was encouraged to keep her child as nobody would want a baby with a medical condition. She took her baby home with her. All the girls envied her and almost wished that their child would have something wrong too so that they would be allowed to keep their child.

During my stay at St Anthony's awaiting the birth of my child I was not asked once my plans for my child. In fact, I did not receive any individual counselling at all. I remember sermons delivered by a priest when we were told that good girls were unselfish and gave up their babies to couples who could give them what was described as a Cinderella-type existence. We were told that we were good girls as only good girls came to St Anthony's. The bad girls, we were told, went to the Salvation Army home. From memory the social worker came regularly. I cannot remember whether it was once a fortnight or once a month. However, I cannot remember once being asked if I intended to keep my baby. The meetings were assembly-line affairs when we all queued up and saw a social worker one by one. From memory discussion was limited, medical records were checked and that was that. Again, I should have been more assertive but I was not capable of that at that time in my life. During my stay at St Anthony's I would lie in my bed and talk to my baby. I would reassure her that I would not allow them to take her away from me. I desperately wanted to keep my baby.

CHAIR: Did you say before that you stayed in touch with the father of the baby?

Ms ROSCOE: Yes, I did.

CHAIR: Did he visit you?

Ms ROSCOE: Yes, he did.

CHAIR: Can you talk at all about the procedures at St Anthony's or the attitude of the staff to his visits?

Ms ROSCOE: Most of the time I met him outside the home. We were allowed to go to the shops or go for a walk or whatever we wanted to do and most of the time that is what I did. I can only remember him coming once to the door and I cannot recall what the attitude was. That particular meeting was quite traumatic for me and I do not remember. I do not think it was well regarded but I really do not remember.

CHAIR: Did you receive any information about any alternatives to adoption?

Ms ROSCOE: At no stage was I given alternatives to adoption. I kept waiting for this to happen but it never did. I know that Sister Antoinette said in her testimony that prior to 1965 girls that were at St Anthony's were able to keep their babies and stay on there for six to 12 months. If that was the case it was a very well kept secret. I was never told that it was an option and if I had been told it would have been one I would have chosen. I only became aware that financial assistance was in fact available at that period of time last year. I know I was very young and it would have been very difficult for me to keep my child. However, I do believe that with the right support it would have been possible. I always believed that my child belonged with me and that I was the best person to bring her up, and I still believe that very strongly.

The Hon. Dr A. CHESTERFIELD-EVANS: Do you consider you received unethical or unlawful treatment at St Margaret's Hospital? If so, could you briefly provide details?

Ms ROSCOE: Yes, I do believe my treatment at St Margaret's was both unethical and unlawful. As I stated in response to previous questions, I was never once asked prior to or after admission whether I intended to keep my child, yet the hospital proceeded to treat me as if I had made the decision to give up my child. My baby's file is notated "not to go to breast". This is without any discussion. When I went into labour I was taken by ambulance to St Margaret's Hospital, Darlinghurst. I remember the nurses being cross with me because they said I had come in too early. According to my records I was getting five-minute pains and was fully dilated at that stage. I was left alone to go through my labour in a stark labour ward with little more than a bed and a clock. I was young and frightened, despite this no comfort or reassurance was given to me. A little compassion in a Christian hospital would have gone a long way.

I have no memory of giving birth to my daughter, and until I gained the hospital records I did not know the time of her birth. I believe I was drugged for the birth as I remember waking up and seeing my baby in a bassinette. I could just see the top of her head from my bed. Soon after a nurse came and wheeled her away. I was not game to ask if I could see her. I was later placed in a ward with other married women who were not having their babies taken from them. They would bring me my baby to bottle feed. As I do not remember having any problems with breast milk, I can only assume I was given drugs to dry up the milk. One memory that still causes me considerable emotional pain is the fact that at one stage during my hospital stay they cleared the ward to be painted, leaving me in it. I was, and still am, an asthma sufferer but any physical suffering is greatly outweighed by the emotional pain I suffered at that point. This treatment certainly contributed to an already low self-esteem and feelings of unworthiness. I had turned 17 about one month before.

The Hon. Dr A. CHESTERFIELD-EVANS: Could you explain the circumstances surrounding the signing of the consent?

Ms ROSCOE: When I had been back at St Anthony's for a few days I was asked to go down to see the sister in charge [...]. I went to her office determined that I would not sign the adoption papers. She asked me whether I intended to keep my baby and I told her yes I did. Although I cannot remember exactly what she said at that point the conversation to me, I feel, was quite one-sided and consisted of reasons why I could not keep my baby. I certainly gained the impression that I would not be allowed to keep my baby no matter what; that she would be taken from me despite my intentions. I was fearful that if that happened without me signing the papers she would end up staying at St Anthony's without me. There were 12-month-old babies there who could not sit up due to emotional depravation. I did not want this for my child. I also did not want her in and out of foster homes. However, if I had been offered a short-term fostering arrangement with visiting rights, allowing me to get myself into a position to keep my baby, I would have jumped at this alternative. I know I was very young but this was very clear to me.

I ended up signing the papers. This was done without a witness present. My daughter was taken from the home the next day following a threat by her father to abduct her from the home. When I said goodbye to my daughter she was all dressed up in clothes made by the mother who was to adopt her. However, it was hard to appreciate that through my tears. I remember at the time that I had a very strong feeling that I would see my daughter again, a feeling I could not explain. My mother refused to give me support. She came to the home while my baby was there and I begged her to come and see my baby but she refused. It was made very clear to me that taking her home was not an option.

At this time and for a considerable period after the birth of my daughter I was under considerable psychological pressure from the father of my child who at that stage was not presenting as a stable personality. That was a lot for someone who had just turned 17 years old to cope with. I was certainly not in a position to make an informed and mature decision of such a mammoth nature at that time. Despite this I was never at any stage offered any counselling. I was basically just told to go home and forget that it ever happened. How do you do that? At the time I signed the papers I was told I had 30 days to change my mind. I was not told that I had a right, valid in New South Wales until 1965, to reclaim my baby up until the adoption had been finalised. I was told beyond the 30 days no court in the land would give my child back to me.

The Hon. D. F. MOPPETT: Kylie, what are your experiences as an adopted child? How and when did you find out that you were adopted? How did you cope with that information at the time?

Ms KEY: I was very fortunate in that I was brought up by my adoptive mother with the knowledge of my adoption. I do not remember the first time I was given that information. My first memory of my awareness of it was when I was about six years old. I was a very shy child and I had a lot of difficulty establishing friendships at school. I remember finding some solace in the fact that I had been chosen by my parents and thinking that this must somehow make me special. In hindsight I believe I exaggerated this belief to fairytale proportions throughout my childhood and in early adulthood. I was always terrified that no-one would want me and any situation which would require me to be chosen, such as sport or dancing and things like that, would place me in an acute

state of anxiety. Needless to say my interest in sport suffered from this and I have never participated in group sports of any description.

When I was in first form my difficulties with relationships was once again challenged when my best friend felt, quite rightly, that she wanted to spread her wings and form other relationships. This was just too much for me as I believed that the others really did not want me around and that I was in some way substandard. My mother was quite concerned about me at the time and took me to see the family doctor who suggested I read a book called *Self Help For Your Nerves* which I realised very early on was focused towards people who have suffered from depression or experienced a nervous breakdown, as the author called it. I was 13 years old at the time. Oddly enough that was a double-edged sword in that it reinforced to me that there was indeed something wrong with me but it also allowed me, for the first time, to discover my strength as I resolved that I would not be like that.

I spent a rather rebellious period flitting around from friendship to friendship and generally misbehaving to a point where I would believe that I had gone too far. I felt extremely hurt and misunderstood if I got into trouble. Then I would spend an enormous amount of time trying to prove what a good person I was. My mother was always very generous in giving me any information she could about my birth mother. She told me my birth mother had become pregnant at a very early age and she loved me so much she gave me away. She told me that she had nothing but respect for her. My birth mother loved me so much she gave me away! How many people could say that? She gave me away because she loved me! Love is rejection, love is being left and love is being abandoned.

The Hon. Dr A. CHESTERFIELD-EVANS: From your description of your experience there was no other counselling other than by the general practitioner. At that time would formal and informed counselling helped you to adjust to the situation?

Ms KEY: I will just answer the questions I have prepared as that would be easier for me. Over the years I have found that my ability to sustain intimate relationships is limited and agonising, to say the least. That has caused me to make some very poor decisions in regards to men which have resulted in some rather serious repercussions to me. I feel that is all due to my adoption and being taken from my mother. As a result, I have sought counselling on several occasions. Once the issue that drove me there has been resolved in some way I have always been left with a feeling there is something very powerful that has been driving me to place myself at such high risk of harm, ill treatment and rejection. I have often spoken to my counsellors about the belief that there is a very bad core inside of me, something wicked and beyond the contempt of the society in which we live. I would say all this with the clear knowledge that I am a very good person, with a high degree of integrity and standards, yet I could not shake the feeling that there was something very wrong with me.

I have tentatively raised the issue of my adoption a number of times with a number of therapists and counsellors and found that the issue has been very quickly pushed to one side as a non-issue. I have also tended to see it as a non-issue for me. After all, I found my birth mother and the issue was therefore seen as resolved. I live in a society which has constantly reinforced its belief that adoption is a wonderful gift to adoptees for which we should be eternally grateful. Just take a look at the cabbage patch dolls of a few years ago - children could send away for their adoption certificates - and why not adopt a road and clean it up?

To be an adoptee is a funny thing. You see, everyone has a right to their feelings and their distress but you. Your birth mother, quite naturally, has her pain and issues to deal with, and then there are your adoptive parents who have taken you selflessly into their homes and their hearts. You do not have any rights to feel any pain or loss. To acknowledge this pain is selfish. You do not have any rights to be dissatisfied with the situation. The only recognition my adoption has received as a possible source of my problems has been from my herbalist. It is thanks to her that I have been able to acquire and read a book called *The Primal Wound* by Nancy Verrier. This book has made a big difference to me because, for the first time, I know that I am not alone with the issues that I have. I can address my adoption and be sure, yes, it has left its mark on me.

I did attempt to get in touch with different adoption support groups for some assistance following the reunion, however the literature at the time indicated that these groups were focused on tracing the adoptee or the birth mother. It seemed that once the reunion had taken place, that was that. I also contacted Centacare about 10 years ago, at a time when I felt that perhaps by locating my father that that might somehow make a difference and assist me in resolving some of my struggles. I was greeted with disbelief and asked why would I want to meet him since I had met my mother. They were very unhelpful and it certainly did not occur to the woman I was talking to that I may have needed some counselling, although I can see now that that is exactly what I needed on the issues of adoption, that I was looking for some answers as to why close relationships had been such a struggle for me.

The Hon. H. S. TSANG: Judy or Kylie, could you explain to the Committee the circumstances surrounding your reunion? For instance, who made the first contact and what comments do you have about the process?

Ms ROSCOE: For years after my child was taken for adoption the possibility of reunion started to emerge. I read everything I could lay my hands on about reunions and adoptions. I was reluctant to put my name down at this stage as I believed it would probably not be a good idea to disturb my child during her teen years. One Christmas we went to Sydney to spend it with my mother and I told my husband that I would like to put my name down on the register as a first step to finding my child. He fully supported me in this and a few days later we did this. Kylie was 18 years old at this stage, turning 19 a little over a month later. It was only 10 days or so later that my cousin came to Canberra with a letter from his brother, a welfare officer in Newcastle. This letter contained the news that my daughter was looking for me - I might add, with the support of her adoptive mother. I received the letter when my cousin met me for lunch. I had to go back to work as my work required me to attend court that afternoon. I still

do not know how I got through that day. I might add, the two events - placing my name on the register and receiving the letter from my cousin to say my daughter was looking for me - were entirely unrelated, pure coincidence. We were both looking for each other at the same time. I rang my cousin as soon as I got home to tell him I definitely wanted to meet my daughter.

Kylie and I talked on the phone a few times - which was quite an amazing experience - exchanged photos and, finally, met a few weeks later. We met in my cousin's lounge room, and, after an enormous cuddle, talked and talked and talked. I spent a week in Newcastle at this time and we could not get enough of each other. Each day was charged with emotion. It was very draining. We were completely absorbed with each other. Unfortunately, I took my younger daughter with me as I felt it would be good for her to be involved in the reunion but, on reflection, she must have felt very out of it. I feel that for me the process was a very good one and I know that my daughter does not necessarily share my feelings on this, so I am talking for myself. It was good to have a few weeks prior to the meeting to talk to each other and to get to know a little about each other's lives at that point.

My cousin's involvement for me in the reunion was good as he was able to provide some support. I believe meeting in his lounge room provided the ideal meeting place. I knew that although Kylie and I had a wonderful biological and emotional basis we would have to work at building a relationship. Of course, this turned out to be true and it took us many years to do so. Our reunion was not a panacea, magically fixing everything that had gone before. For me it had raised feelings in me that I had not allowed to surface for years. I lived in fear for a long time that Kylie would not want to see me again. To lose her twice would have been more than I could bear. It has taken us many years - and I believe we are still working on our relationship - to arrive at the wonderful relationship we have today. However, I still grieve for the loss of my daughter's childhood even though I am exceedingly grateful that we have found each other and have such a good relationship.

The Hon. H. S. TSANG: Kylie, could you tell the Committee about the involvement of your adoptive parents in the reunion with your birth mother? For instance, how did they respond to your meeting? Did it affect your relationship with them?

Ms KEY: My father died when I was six, so my mother was the only parent involved in my reunion. My mother and I are emotionally very different people. She is quiet, undemonstrative and emotionally distant, both through character and circumstance, although I know she loves me very much and would do anything for me. This emotional difference caused a substantial strain on our relationship, particularly in my teenage years and early adulthood. My mother actually got the ball rolling in regard to my reunion with Judy. My younger sister was a State ward and had regular contact with the Social Welfare Department. When I was 16 my mother asked the welfare officer visiting our home if there was something we could do to locate my birth mother as she thought this would help me in some way to be happier. She said the welfare officer asked her if she knew my mother's name - incidentally, she had also shown me my adoption papers, she was very good with all that stuff. When she replied yes and told him her name he looked at her with amazement and told her that was the name of his cousin.

My mother passed this information on to me and I was very excited but for some reason - I do not remember why - I waited until I was 18 before I went to see the man who turned out to be my second cousin, asking him to put me in touch with my birth mother. He gave me what was kind of an interview or a test in order, I think, to see if I wanted to get in touch with Judy for the right reasons. I obviously passed that test and I was reunited with her. My mother was informed and involved with every step towards the reunion. I was very concerned that she not be hurt by what I was doing. She has been extremely supportive all the way through under what must have been very threatening circumstances, particularly through the honeymoon period early after the reunion when I actually did try calling Judy "Mum", but I very quickly decided it just did not work. You see, Judy is Judy - my mother, indeed, but not my mother at the same time.

My mother has always tried to make Judy feel welcome. However, her jealousy - which she would strongly deny - of Judy's and my close relationship has sometimes gotten the better of her and she has often been unwell when Judy has come to visit, which has required some attention from me. I have tried not to hurt her. The divided loyalties between my adoptive family and my struggle to become part of my birth family have often been misunderstood. As much as they try, my adoptive family's view of my birth family is not always understanding and at times a little critical. What can I say: they love me.

The Hon. H. S. TSANG: Kylie, in your submission you say that being united with your birth mother was not a fairy tale ending but a beginning. Could you explain to the Committee the different stages in the development of your relationship with your birth mother?

Ms KEY: This is for me the most difficult and involved of all the questions you have asked me today. There is so much to say that I am not going to be able to cover it all. What is important to me in answering this is that I hope that I can convey the difficulty of being an adoptee on an emotional level. To me, meeting Judy was a birth. It was the beginning of a journey of discovery about who I truly am, not what people expected of me or wanted me to be but the true me. It has been a very difficult time and it has taken me a lot of years and hindsight to understand the struggle. I believe the emotion behind me has been so strong and at times destructive that denial and dissociation from these feelings has been the predominant tool for me.

I would now like to talk about my immediate family of Judy and my two brothers and my sister. After meeting Judy, I visited her in Canberra and they came to Newcastle as often as I could manage, usually once or twice a year. I was welcomed into the family although I always felt it was under some duress, because out of love for Judy I was welcomed into it and I never really did feel a part of it. This was for a number of reasons. For my part, my view was very focused on Judy and developing a relationship with her. We had very little time together and I believe the time we did have was by rights mine. I resented the constant intrusions, particularly from my sister, who, out of her insecurities, found it difficult to give us very much space. I was very selfish about this

- I realise that now - but I believe it was in response to my needs. I believe we had to fight for any time we had together.

After the initial niceties I did not believe that my brothers, and particularly my sister, had any real interest in me at all. I did make some attempts to be part of their lives while I was at their home. I remember going out with them one night to a pub, thinking that if we did something social it might bond us in some way. I remember them just going off with their friends who I did not know and being left in the corner and feeling overwhelmingly rejected and feeling that they were not interested at all. A lot of concern was placed by different family members on my sister's difficulty in dealing with the situation. The situation we are talking about here is my existence. When I met Judy's husband's sister she told me, almost as soon as meeting me, how difficult it was for my sister and I basically received the message that I was an intrusion in my sister's life and causing her a lot of distress. It was very hurtful.

Once again, I believe that everyone's issues seemed to be of importance but mine. It was like I always had to be grateful. It seemed that I was the cause of the pain. I have felt that I have had to spend a lot of years apologising to my sister for my existence, and it has only been in the past two years that I have decided I will no longer do this. When I visited over the years I was never asked any questions about my life by my brothers or sister. I was just expected to slot in while they talked about their common history, both recent and past, which, of course, was not mine. I reached the stage where I decided I no longer wanted them in my life and actually turned down an invitation to my brother's wedding in the belief that he did not care if I was there and was only asking me for Judy's benefit anyway. As a result I received a very strong abusive call from my sister telling me how much I had hurt him and how selfish I was. I found this really confusing. In fact, the whole thing has been very confusing at times.

I had no idea that it would be causing him any pain at all. I decided at that stage to make further efforts. My brothers and I now have quite good relationships, and we are getting closer. My sister and I remain cautious of each other but we are getting on better than we have in the past. Judy has had a difficult time with me over the years as I have struggled with my need of her, my lack of trust and the anger I sometimes feel towards her. When my feelings become too overwhelming I will distance myself from her. She has suffered through this a number of times. The first time I remember was when I gave birth to my daughter. Emotionally, I just could not understand how she could give me away when I felt the love I felt on seeing my daughter. I would not let her touch her, and we had very little contact for about 12 to 18 months. Judy was intuitive enough to give me the space I needed. I know how hard this must have been for her.

I had a conversation with Judy about 10 years ago when I told her that I realised that she gave away a baby and what she got back was an adult. I told her that I believed this was not good enough, that I was not good enough, that I was not the baby that she loved, and that is how it has always felt, as if I could not make up for it. And that is not because of Judy, that is because of me. To me, Judy is home. We are fortunate because we have persisted through the difficulties of dealing with the emotions of those around us, and particularly the emotions belonging to us. I believe that denial is as powerful as the anger at being given away by your own mother. Intellectually, I have always understood and appreciated what she did for me. Emotionally, I am only now, after 18 years, coming to terms with it and healing. It causes me great concern that, through a lack of awareness, trust and a fear of rejection and further abandonment, adoptees choose either to deny their birth mother or to give up on the relationship. I believe it is the only way that we adoptees can be whole once more and finally return home.

The Hon. D. F. MOPPETT: Could you explain to the Committee the reaction from family members, including your mother, other children and friends, to your decision to reunite with Kylie?

Ms ROSCOE: When I found Kylie not everyone was happy. During the reunion we not only had to deal with our own emotions - which were very intense at that time - we also had to deal with all the emotions that were going on around us. It made it very difficult. I will start with my other children. At the time I decided to look for my daughter my husband and I decided to tell the other children. I do not know why I had not told them previously, although I had hinted to my young daughter on a number of occasions that she had an older sister. However, events, thank heavens, overtook us, and I told them the night I received the letter which, of course, was only about 10 days later. My eldest son, born 19 months after Kylie, was quite distressed at first as he thought he was my firstborn. He was very withdrawn for a few days but he was fine after that. My second daughter was initially very happy but she became threatened as time went past. My younger son was fine and took it in his stride, or appeared to, and he still seems to feel that way.

My mother and my brother came to stay shortly after I found Kylie. When I told my mother she became very angry and carried on about what people would think of dad. He had died about eight years prior to this. She accused me of killing him. I could not cope with her anger and went out into the backyard and left my husband to deal with it. When I told her I made it clear that it was no longer going to be a secret. I was going to tell all our relatives, and introduce Kylie to them. A few months later my husband and I threw a big party for her in Newcastle and all my relatives and friends were invited. Kylie's adoptive sister also let me know that she was not happy about it and that she could not give up one of her children. One of the women at work told me quite bluntly that I had no right to interfere in my daughter's life.

To this day, I find that a lot of people cannot comprehend that I love my daughter, Kylie, every single bit as much as my other children. They seem to think that I should love her less because she grew up with someone else. She is my flesh and blood; she is part of me; I carried her inside me for nine months; but they still believe this. The lack of common history I believe was a major stumbling block for Kylie in establishing other relationships within her family. I have watched my daughter struggle with her relationships, both in our family and with others, and generally have a difficult time. I have tried desperately to be there for her and support her when she needs it. It distresses me deeply to feel that I contributed to this in some way. I do not wish to imply that

the difficulties with her brothers and sister were all of her own making; it was obviously difficult all around. I feel that that lack of common history is just so important - growing up together. The difference that it makes just cannot be underestimated.

The Hon. D. F. MOPPETT: Judy, in your submission you say that you have been unable to find counselling services that adequately meet your needs. Could you elaborate on this and explain the nature of the counselling that you require? For instance, was there counselling available for your mother and the other children that you have just referred to?

Ms ROSCOE: Every now and then things seemed to get on top of me and reached a crisis point. This was usually combined with a bout of physical illness. A couple of times I tried counselling in an attempt to resolve the issues relating to having my child taken from me. I believe that they are issues of unresolved grief and post-traumatic stress. I have found that counsellors want to deal with every other aspect of my life but they steer away from the adoption issues. I believe that this is because they do not understand how traumatic it can be to have your child taken from you. I have described it to them as the most significant event in my life and have told them very clearly that I want to deal with it, but still they will not. It is critical that counsellors who understand the issues be made available. The best counsellors will be the ones that have gone through this experience themselves, and can therefore provide the empathy that is required.

Counselling was available to my children through school counsellors. My second daughter did avail herself of this a few months after the reunion. I went and saw the counsellor with her once and the counsellor suggested some family counselling. However, my husband was not really open to counselling and I did not see it as an option at that time. In retrospect, it might have been a good idea to follow through with this. I am really not sure what counselling was available to my mother. However, even if it was available I do not believe that she would have taken advantage of it. She was of the old school and did not particularly believe in counselling.

CHAIR: As the years have gone by did your mother change her attitude at all?

Ms ROSCOE: My mother died about 11 years ago. Although she accepted Kylie, and probably loved her in her own way, I do not believe that she really changed her view on the whole thing. I base that on the fact that Kylie actually came to see her at the time she was dying of cancer. Basically, she said to my mother that she did not want her to feel guilty or upset about what happened and my mother said that she did not feel guilty.

Ms KEY: Not at all. Now, in hindsight, I think she probably should have felt a fair degree of responsibility. But I was concerned at the time that she was dying with cancer and I did not want her to die feeling bad about what she had done.

CHAIR: Did you ever find your father?

Ms KEY: No, I suppose, in a lot of respects, I have reached a certain point. I have looked to a certain degree, and I think about the repercussions of it - the fact that there is a whole other family associated with it, a whole new set of emotions to deal with - and I really had to question why I was doing it at all. So it is not that I would not one day like to meet my father. Really, I have probably barely been coping with the rest of it. It has not been the time.

CHAIR: What measures do you consider might assist mothers and adoptees experiencing distress as a result of these past adoption practices that we have talked about? For example, are there any aspects of the reunion process that could be improved or modified to assist people who experience distress?

Ms ROSCOE: Firstly, I believe that an agency needs to be established to assist mothers, fathers and their children to find each other. This should include financial assistance, where this becomes necessary, in the search. I believe that finding each other is a vital part of the healing process. I believe that counselling should be made available free of charge to all those affected by adoption, and that pretty well that includes my other children and my mother if she had been alive. It affects us all. As I have stated before, this should be available through counsellors specially trained to deal with adoption issues. I believe that this is best done by counsellors who have been through the trauma themselves. Support groups could play a useful role. It can be extremely helpful to talk to others in the same position as you and to know that you are not the only one feeling this way. Where illegal acts have occurred and can be substantiated, I believe that criminal proceedings should be taken against those persons responsible. I have heard of a lot of cases where outright cruelty occurred. It is not enough to say, "That is what it was like back then." Justice should always be an issue, no matter what the conditions.

Ms KEY: From an adoptee's point of view I believe that the acknowledgment and awareness of issues that belong to adoptees is the only way to make a big difference. Adoptees need to be given the right to have these issues and to deal with them, both before, during and after reunions with their birth mothers. They must be given the right to have their place, their history, their home and themselves. They deserve and desperately need some focus and attention given to their pain and the damage done to them. Without this, I believe that the ability to have successful reunions will be dramatically reduced.

CHAIR: Do you think an apology made by relevant government agencies and private adoption agencies would assist people who are affected by past adoption practices?

Ms ROSCOE: I do not believe that a sincere apology can be obtained. I am doubtful whether it would make me feel much better. Saying sorry cannot give me back my daughter's childhood or erase for either of us our pain and suffering. What I would like to see is the practices of the past exposed for what they were - illegal and unethical and downright cruel. A lot of people do not understand what it is like, and still think it was just a matter of the mother giving away her child for some quite selfish reason. Of

course, this is not so and it needs to be made clear. I would like to be absolutely reassured that what happened to my daughter and I and many others will never happen again. I do not believe that you can take someone else's child, and make it someone else. It is not possible to do this.

Taking children from their mothers should be an absolute last resort. When this is necessary, every effort should be made to have the child looked after, maybe on a temporary basis, within the child's family. A child has an absolute right to know where they come from and to information about their family and heritage. This should never be withheld. I have thought about the compensation issue. I do not want compensation because no amount of compensation could make up for what has been taken from me - the right to be a mother to my child in the real sense of the word - a rearing mother, a mother who has reared her child and has had the childhood which is so precious. In summary, apologies are empty words. Actions to remedy things in the future are worth much more than that.

Ms KEY: I agree with that and I support that. My concern is with "I am sorry". I know how difficult it is for governments to do that at times. Although I realise it is important to some people, I get very concerned that people will get stuck because of the realisation that those words might not be forthcoming. I would actually rather see some action take place about remedying some of the pain and acknowledging some of the issues that need to be looked at. That is how I feel about it.

(The witnesses withdrew)

MARGARET WATSON, Adoptee, sworn and examined:

CHAIR: Have you received a summons signed by me?

Ms WATSON: Yes.

CHAIR: Are you conversant with the terms of reference of the inquiry?

Ms WATSON: Yes.

CHAIR: You have made a submission which you wish to be included in your sworn evidence.

Ms WATSON: Yes.

CHAIR: Do you want to say anything to start with, or will we begin with the questions?

Ms WATSON: I have prepared a response to the questions that I was sent.

CHAIR: We will go straight into the questions?

Ms WATSON: Yes.

CHAIR: You explain in your submission that a Crown Street hospital social worker privately arranged your adoption. Could you explain to the Committee the circumstances surrounding your adoption in December 1950?

Ms WATSON: Yes. I need to preface my response by stating that what I am about to say or the following information came from my birth mother, my adoptive family and my Crown Street medical file. I was born in November 1949 in Crown Street Women's Hospital to a single woman who was then aged 22 years who had arrived in Australia as a child migrant. On arrival in Australia she was placed into the care of the Fairbridge Foundation in Western Australia. It is my understanding from her information to me that she also spent some time in the care of a Catholic establishment where she described conditions and treatment of the children as being extremely harsh. She ran away from this establishment and boarded with a Perth family until joining the army from which she was medically discharged in Sydney due to severe bronchitis. She commenced a relationship which she hoped would result in marriage and which resulted in my conception. Her partner deserted her on learning of her pregnancy. My birth mother was without any family in Australia and it was her intention to keep me following my birth.

A Crown Street doctor suggested to my birth mother that he and his wife adopt me. My birth mother refused this offer and another when the same doctor suggested that my birth mother go and live with him and with me, and that she could be employed as the housekeeper of he and his wife. [Social worker 1] was a hospital social worker assigned to my birth mother and she was a friend of my adoptive family. Following my birth mother's rejection of the doctor's offer, [social worker 1] continually criticised my birth mother for her personal and financial inadequacies in supporting a baby. Prior to and at the time of my birth, my mother was in receipt of a sickness benefit for severe bronchitis. No advice was given to her on other benefits possibly available to her to support herself and the baby. I was breastfed by my birth mother in hospital following my birth and one day [social worker 1] informed her that she had a family who wanted a child and that I was going to be that child. I was removed from my mother.

With this and subsequent actions, I believe that I was stolen from my birth mother. My birth mother left the hospital nine days after my birth. I was informed by adoptive relatives that my adoptive parents then collected me from Crown Street hospital

when I was six weeks old. I have obtained my medical file from the hospital which contains the document stating, "Mother and baby discharged together on 28 November 1949. Baby weaned from breast onto lactogen." At no time was I discharged from hospital with my mother. This document begs the question: Why would a baby being breastfed and discharged with its mother be weaned from the breast onto a formula? I consider that document was completed to conceal the private arrangement organised by [social worker 1] for my adoptive family whom, I am sure, would have been reliant on [her] actions and totally unaware of any probable illegalities in the situation which involved my birth mother not giving her consent for my adoption. [Social worker 1] later became my godmother and I had to endure many holidays spent with her following her retirement. I was instructed to address her as Grandma [...]. We did not get along. We had a major personality clash. I am sure that her role of godmother was as a reward for her procuring me for my adoptive family.

CHAIR: Can you explain, particularly given what you have just said, the signing of the consent document for your adoption as told to you by your birth mother?

Ms WATSON: My birth mother stated she did not give consent, nor did she sign any documents connected with the giving of her consent to my adoption. It was her intention to keep me with her and my medical file documents her request to see me the day following my birth. Within a year of my birth she married a man who was not my birth father. However she informed him about me and he accepted that. Following their marriage, they travelled from their home in Melbourne back to Crown Street hospital to reclaim me. They were informed by hospital staff that I had been adopted and it was suggested that they forget about me, go away and commence a family of their own. I was informed by a staff member of the Supreme Court that a signed adoption consent form dated July or August 1950 was on my adoption file. My birth mother stated she signed no such consent document and was in fact residing in Victoria at that time when it is alleged to have been signed and completed. My adoption became final in December 1950.

CHAIR: Do you want to say any more about that? What you have told us is all that you can tell us really?

Ms WATSON: That is right.

CHAIR: That is all you can tell us about the implications?

Ms WATSON: I do not have a copy of my adoption order. I have not seen the documents.

The Hon. Dr A. CHESTERFIELD-EVANS: Do you believe it was forged?

Ms WATSON: I can only go on the information I was given and the information that is in my medical file, which I clearly feel covers up the fact that mine was a private adoption.

CHAIR: And there were the inconsistencies between being discharged with your mother and adoption some months later?

Ms WATSON: Yes, absolutely.

CHAIR: Can you describe the manner in which you discovered that you were adopted?

Ms WATSON: Yes. My husband of 12 years left our marriage in 1990. Two weeks after separating, he informed me he had known for those 12 years of my adoption, having been told about it by my adoptive father a few days prior to our marriage. This information was not imparted to me in a kind or supportive manner. It was delivered in hostility and anger and, I think, as a way of my husband relieving himself of the burden he considered this information to be and had chosen to carry for 12 years. I acknowledge it was always the responsibility of my adoptive parents to disclose this truth to me. My adoptive father did not request that my husband keep this information a secret from me. At the time it was disclosed to me both my adoptive parents had died. I can only assume that my adoptive father could not bring himself to tell me the truth due to his failing health, advanced age and the fact that I was his only remaining family member. That may have caused him to fear and believe that I may have rejected him with the telling of the truth.

CHAIR: How did you respond to that news of your adoption? What do you think are the short- and the long-term consequences of adoption for you?

Ms WATSON: My immediate response was one of shock and overwhelming sense of betrayal. There was also a feeling of disbelief while at the same time knowing that this information about me was correct. I think in a deep spiritual and psychic level I had always known the truth because I do not bear any resemblance to my adoptive family and had grown up with feelings of not belonging in that family as there was no-one who looked like me. I had also asked my adoptive parents on at least two occasions I can recall if I had been adopted and they had said no that I was not. My sense of betrayal on receiving the news about being adopted was highlighted when, on contacting family members and family friends, all of them confirmed that they had known about my adoption all my life. I felt like my life and marriage had been built on lies of omission. In the short term I had great difficulty trying to reconcile this truth about myself. I was grappling with the ending of my marriage which I had not wanted and I was faced with my identity of 40 years disintegrating simultaneously.

I went from being a highly functioning and competent wife, mother and professional person to one who had trouble getting upright each day to face the day. I became seriously depressed. I lost 10 kilos in a short time. I was unable to eat. I experienced panic attacks and was eventually diagnosed with post-traumatic stress syndrome. I rode an emotional roller coaster with feelings of rage, fear, anger, terror, despair, worthlessness and, for the first time in my life, I seriously contemplated suicide. Also at the same time

I was attempting to keep my young sons, who were then aged five and 10, on an emotional even keel as they were distressed by their father's departure and then they had to face the changes in their mother.

In moving from the short to the long term, I have chosen to involve myself first in counselling for about 18 months and then five years of intense psychotherapy. This has not been an easy journey. However, it is one that has brought me enormous challenges, personal growth and insights into myself and my behaviour and my place in the world. It has also been extremely necessary to rebuild and find my new sense of identity and who I am. My therapy has facilitated a greater sense of healing, integration, acceptance, strength, self worth, and inner peace. I have also discovered that a lifelong free-flowing sense of anxiety I have experienced from time to time, which has always been intensified when I am separated from those I love, is the direct result of my removal from my birth mother. I have also formed the opinion that adoption is not the real enemy.

Adoption is the final act in the most profound and damaging process, that is, the severing of the unique bond between mother and child. It is in that first and savage separation of mother and child that the foundation is laid for what in so many people affected are future emotional, psychological, physical, somatic and relationship difficulties which I have already heard described this morning. It is a wound and a gaping hole of the heart and soul that many mothers and adoptees carry for the rest of their lives unless they seek and receive appropriate assistance. I think it is barbaric to remove or steal a child from its natural mother and then expect that child to bond or re-attach to another woman or other care-givers without any resulting trauma or difficulties. In my situation - and I believe it was as a result of being left in the hospital for six weeks following my birth - I had a very difficult relationship with my adoptive mother. Despite all my physical and material needs being attended to, I never felt loved by her or even loving towards her. I believe that we failed to bond and attach with each other. Having said that, my experience with my adoptive father and grandmother was completely different, as I always felt their love, approval and acceptance, and was able to reattach to them with mutuality and reciprocity.

The Hon. H. S. TSANG: Could you tell the Committee about your 2 ½ -year search for your birth mother?

Ms WATSON: I discovered that I had a very strong obsessive streak with my search. Given the circumstances of my adoption revelation, I was left feeling extremely fragile and vulnerable, and I think I disintegrated pretty much to a very child-like state where I just wanted a mother to pick me up, look after me, and make life okay again. The search was extremely frustrating, time-consuming, lonely and emotionally and financially draining. It began a year prior to the Adoption Information Act being proclaimed in 1991, so I was only able to access my then non-identifying information from the Department of Community Services. It seemed that there was one shock after another, as I learned my birth mother was French, possibly Jewish, and possibly an evacuee. As I had been raised in an Anglo-Saxon Protestant family, this information was very difficult to comprehend and integrate.

I constantly felt I was living in a story that belonged to someone else. Armed with only my birth mother's two names, I followed my intuition and began searching the electoral roll of the State Library. I also approached organisations and Jewish welfare organisations which had brought children and people to Australia as evacuees after World War II, and I spent three days in Canberra in the archives searching immigration and shipping manifest records. I was also greatly assisted by the efforts of Bob Miller, who was then the Deputy Registrar in Births, Deaths and Marriages and well-known for his humanity and expertise to those attempting to navigate a search. When the adoption laws changed I was delighted to receive my original birth certificate, and at last I had some more complete information with which I could search. However, I was still unable to find my birth mother through the usual channels, as I was later to discover that she had changed her first name and had married and this had taken place interstate and I was only searching in New South Wales at that time.

I also wrote to the Department of Births, Deaths and Marriages in Marseilles, France, her place of birth as stated on my birth certificate. However, a response from there was also unable to find a record of her birth. Finally again, through relying on my intuition and after reading an article about the forthcoming ABC documentary *The Leaving of Liverpool*, I contacted the Child Migrant Trust in Melbourne. A researcher there assisted me in my search and felt my mother's two names were English, although her surname was French. He contacted Births, Deaths and Marriages in Nottingham, who did a search and found her birth registered in London. Her birth certificate was then forwarded to me by the Child Migrant Trust, and a week later the ABC documentary *The Leaving of Liverpool* was screened.

This was followed by my birth mother also visiting the offices of the Child Migrant Trust in Melbourne to request that they obtain a birth certificate as she had never had one. The person she first spoke to at the Child Migrant Trust was the researcher who had assisted me. He immediately realised who she was, and she was invited to have an interview and to return the following day. It was during her second interview that she revealed having had a child taken from her. The Child Migrant Trust was able to tell her that I had contacted the trust and was searching for her. Our reunion followed that. It was quite miraculous.

The Hon. H. S. TSANG: In your submission you say that the first six months after the reunion you experienced a honeymoon phase. Could you explain to the Committee the different stages in the development of your relationship with your birth mother?

Ms WATSON: We were both overjoyed to find each other and to have a reunion. The feeling was similar to falling in love: of wanting to constantly be with and know everything about the other person. There was a lot of discovering to do. After all, we had 42 ½ years to catch up on. We found that we had a lot of likes, dislikes and personal standards and principles in common and that we shared a great love of music, dancing, reading, even down to a love of eating salmon. The greatest joy for me was to look into her face and to see someone I resembled and therefore to know where I had come from. My birth mother's greatest sadness

was that I had never known about my adoption, and she was extremely distressed at learning about how I had been told.

Within the first six months of the reunion she and her husband visited my sons and me in Sydney, and it was very touching to see the acceptance my sons showed them both. Three months later the relationship seemed to change after the boys and I visited them again in Melbourne. I think my birth mother had difficulty dealing with the emotional confrontation of her past revisiting her. She also continually told me, "They have done a good job of you", referring to my adoptive family. I think this and similar comments showed her lack of self-esteem. She would often speak to me of the poor treatment she received in Crown Street Women's Hospital which had caused her to feel shame and disgrace at her circumstances.

Despite our verbalisations that we wanted to maintain regular phone contact after that visit, phone calls would only be initiated by me. I could not understand her distancing, and for the first time I felt angry and rejected by her behaviour, which was without any explanation from her. There was a five-year period when we did not see each other and I would phone her on Mother's Day and at Christmas. While she seemed pleased to receive my calls, there was never any explanation as to why she did not contact me. I last saw her in December 1997. My last conversation with her was in November 1998, when she was quite ill and I offered to visit her, which she declined. She died in January this year.

The Hon. D. F. MOPPETT: You explain in your submission that, "My adoption into a good family, despite it possibly being illegal, gave me a decent, loving upbringing amongst caring people who instilled in me the values I consider important." With the knowledge you now have of your mother's circumstances, do you think that she did the right thing for herself and for you?

Ms WATSON: I do not think she had a choice; I think the system made a choice for her. I do not believe she was in a position to oppose the dominance of [social worker 1], whom I experienced when I was growing up to be very authoritarian and bossy. My birth mother also had no advocates by way of family members or partner to support her in her desire to keep me. I think the whole experience for her was devastating. After she left the hospital she travelled to Wagga Wagga, where she met her future husband. I believe that the experience indelibly affected her health. She had major health problems, and she also developed an excessive use of alcohol. My half-sister recalls growing up with her mother frequently crying for no apparent reason, being very distracted and seemingly unhappy. My birth mother had already lost her own family of origin, and the loss of her first born probably continually triggered those other losses. So I do not think the situation was the best for her.

Having said that, ever since I learned of her existence as my mother by birth, I have only ever felt compassion for her and never experienced anger at her for not keeping me with her. Perhaps it was due to learning of my adoption in mid-life, as hopefully I had had a broad range of life experiences and compassion myself, and as a mother myself I was better equipped to understand her situation. Having had my own children, I just cannot imagine the emotional suffering she must have experienced at having her child taken from her. I also think her emotional suffering, grief and loss were enormous for her to carry for 42 ½ years before our reunion. I had only known for 2 ½ years, and that was traumatic enough for me.

As for myself, this is a very difficult question to answer as I only have the experience of being raised in my adoptive family and can only speculate on how life may have been had I remained with my birth mother. I was an only child of elderly parents in my adoptive family, and I longed to have siblings. To find after my reunion that I had a half-sister and a half-brother, a brother-in-law, and several nieces and nephews was as much a joy as it was a heartbreak, as I had missed out on being involved in such a large part of their lives, and it has not been possible to make up for all the lost time. Overall I would have to say, with the exception of the difficult relationship between my adoptive mother and me, my upbringing contained many positive opportunities and experiences which provided a solid foundation for my life. I am left with a multitude of questions that I would like the opportunity to ask my adoptive family members. However, this is not possible as they are dead. Apart from a few distant cousins, my sons are now my only close family members.

The Hon. D. F. MOPPETT: You have mentioned the traumatic circumstances in which you became aware that you were adopted. Could you specifically comment on the impact that that knowledge had on you after 40 years of thinking otherwise than that you were adopted?

Ms WATSON: It was a major identity crisis. For four decades I had had an identity; I had grown up with a history that I thought belonged to me. And then I found that, even though that was where I spent my formative years, actually it was all a lie, that I was genetically connected to other people. In terms of the secrecy, it is ironic, because I was raised to be very open and honest. So the revelation of my adoption felt very bitter, knowing that those who had raised me had been very covert and secretive. I have always been unable to tolerate dishonesty, and I am only interested in knowing the truth. No matter how unpalatable the situation may be, I would much prefer to know the truth and then deal with it. In retrospect, I think growing up surrounded by such secrecy has finally tuned my intuition, which I greatly rely on. I also think that the secrecy aspect in adoption totally negates the human rights of such affected adoptees whereby their entire familial, genetic and medical histories are eradicated and replaced with lies.

The Hon. D. F. MOPPETT: You are attempting to locate your birth father and relatives of your birth mother for the purpose of establishing your complete family and medical history. How have you gone about this, and what problems, if any, have you encountered?

Ms WATSON: I have been searching half-heartedly for my birth father during the past 9 ½ years since learning of my adoption, and I do not have the passion or zeal to find him as I did to find my birth mother. I think that is possibly because he was aware of me and he rejected my mother and rejected knowledge of me. So I do not want to put myself in the position of setting myself up for more rejection and abandonment. However, I would like to find him to try to put the remaining pieces in the puzzle

in terms of genetic, medical and family details, and I think I owe that to my sons. In my view this situation with adoption is cross-generational; it does not simply stop with the birth mother and adoptee. It simply flows along if people do not have access to their history, which they should have.

I only have a small profile and a name of my birth father, and again I have had assistance from Bob Miller, who has been helping me to search. We have both been searching on and off, but to no avail. I have come to a place where I think I may have to accept that I am not going to find him. And time is running out; he would be in his late seventies. My purpose in attempting to find him would be to complete the family and medical history from his side, and it is also possible that I may have half siblings on his side as well.

Following my birth mother's death I commenced corresponding with one of her half sisters who resides in Wales. She was located following the reunion of my birth mother and me by the Child Migrant Trust. This lady's life has also been overshadowed by a lot of sadness and grief related to the loss of her family of origin consisting of parents, grandmother and three other siblings. From what she has been able to tell me, it seems that both she and my birth mother were placed in an orphanage when their family split up. It appears that my birth mother may have been taken from the orphanage and transported as a child migrant to Australia via South Africa, thereby losing permanent contact with the rest of her family. So this aunt is not able to fill in many of the gaps either.

The Hon. D. F. MOPPETT: What measures do you consider might assist adoptees experiencing distress as a result of past adoption practices?

Ms WATSON: Every person has a different story and experience. I can speak only from my experience and describing what has worked for me. My journey in the past 9 ½ years from pain and distress to healing, integration and peace has been possible only due to my involvement in and commitment to the psychotherapy that I have involved myself in. I made the choice to engage in that method as I wanted to move from living in pain and suffering and to get away from being a victim of my circumstances. I wanted and needed to reclaim my life and be in the driver's seat. I cannot change my history or the story of my beginning. However, I believe it is my responsibility to give myself the best of the rest of my life, and that is now my philosophy. I would also have to say that in my situation I had enormous support from a large network of friends who have been just incredible. They supported me right the way through since learning of my adoption and through many dark days and nights of the heart and soul when I was searching, and matters since then. People in my circumstances need a lot of understanding and support.

In the early days, because I was quite afraid that I was losing my mind with all the emotions I was experiencing, I devoured every book I could find on adoption and searching. However, while many of these were helpful, there were none available on the unique situation of the late telling aspects of adoption and its devastating impact on a life and identity. I believe that those who learn in mid life of their adoption have a very different experience and reaction from those adoptees who grew up with the knowledge. As my own contribution to this situation I have spent the last five years writing a book, which is due for publication, which specifically addresses the emotional impact of the late telling.

I also acknowledge the professionalism, knowledge and support of the staff of the Post Adoption Resource Centre, who also helped facilitate my reunion, with the Child Migrant Trust. They have been of great assistance to me. I have been involved in various support groups and information groups that they run. It is very heartening to see the willingness of people attending those groups and sharing and learning from the experiences of everyone there. There is a need for an increase in services, particularly for birth parents or birth families. We have heard here today about the impact on other children in families when reunion takes place. That was certainly the case in my family. I have a half-sister and half-brother. My half-sister knows of me. My mother never told my half-brother because she was afraid of his reaction. So a level of secrecy and lies still exists, which puts me in a very difficult situation. My half-sister felt very much that her position in the family had been displaced by learning of me. The tentacles of adoption touch many and the impact of the losses and grief involved is cross-generational. We are not dealing just with the initial people involved; it flows over.

Something I get a lot of interest from is an e-mail service run from within America. One is specifically for what they call in America late discovery adoptees. It is about people learning late in life of their adoption, sending e-mails for suggestions and help on how they can deal with the situation and how they can search. The situation in America is very different from here. I would like to see something established Australia wide along those lines whereby people could get support and help from people who have walked the same journey. It is a very specialised area and it requires specialist attention and treatment, particularly in the health and welfare professions if services could be set up from within those organisations by people who have walked the path and know what it feels like. I was greatly heartened by hearing the evidence of Dr Rickarby last year or earlier this year. He struck me as being a medico who really knew what he was talking about in terms of the impact, the loss and the bereavement that people touched by adoption have to live with and have to deal with. He is a great specialist in that area. Finally, one of the most important outcomes from this inquiry would be a finding and a public statement acknowledging the abuses of human rights and suffering brought about by past practices in adoption which have terminated the mother-baby bond.

CHAIR: Given what you have stressed about cross-generational effects, is it possible for you to comment on the way in which your sons have been affected by this type of thing?

Ms WATSON: Yes, it is a very good question. It has taken up a lot of my time dealing with the emotional impact of the learning of my adoption. There have been times when I have felt quite guilty. Because of my emotional state I have not been able

to support them emotionally to the extent that they have required. I have had my own level of distraction and emotionality that I have had to deal with. Having said that, they have been very supportive of me. They were very excited in the early days of the search, and very excited to find that they had a nana and a grandpa. They were accepted very well by my birth mother and her husband. Both of them have since died. So they have had to come to terms with a lot of loss in their own life as well.

CHAIR: Did your adoptive parents die when they were too young to -

Ms WATSON: No, my adoptive mother died 26 years ago and my adoptive father died 11 years ago.

CHAIR: So they remember him?

Ms WATSON: Only one of them remembers him. It is cross-generational because it does a lot of fragmenting. Being adopted into a family in which my adoptive mother was 39 and my adoptive father 45, I always had much older parents than my friends. Also, not having any siblings, I am now left in a position in which I do not have any extended family. That is very hard on my sons as well.

(The witness withdrew)

At the request of the witnesses, the names of the witnesses have been withheld. These witnesses will be known as WITNESS E and WITNESS F.

WITNESS E, Clinical Nurse Specialist, and

WITNESS F, Scientist, sworn and examined:

CHAIR: Witness E, you are appearing before the Committee as a mother?

WITNESS E: Yes.

CHAIR: Did you receive a summons issued under my hand?

WITNESS E: Yes.

CHAIR: Are you conversant with the terms of reference of this inquiry?

WITNESS E: Yes.

CHAIR: Do you wish your submission to be part of your evidence?

WITNESS E: Yes. Actually, I do not want the original one to be part of it. I am actually going to put in an edited version, which is almost complete.

CHAIR: Therefore, technically you do not want the submission of the Committee has received to be part of your evidence?

WITNESS E: Not this one, but there is one that is very similar.

CHAIR: Do you therefore want to make a submission in relation to your first submission before we proceed to questions or do you want to just go through the questions?

WITNESS E: I think I will just go through the questions. I would actually like the second submission included.

CHAIR: Witness F, in what capacity are you appearing before the Committee - as a friend?

WITNESS F: Yes.

CHAIR: You have received a summons issued under my hand?

WITNESS F: Yes.

CHAIR: Do you know the terms of reference of the inquiry?

WITNESS F: Yes.

CHAIR: You have not made a submission. Do you want to make any statement or will your evidence be a matter of following up anything Witness E says?

WITNESS F: Yes.

WITNESS E: Could I just say one thing. I do not actually mind my submission being referred to now. It is just if it is made

public, there was just a bit of the wording I wanted to change.

CHAIR: That is fine. Can you tell us about the circumstances surrounding the confirmation of your pregnancy in 1982, for instance, how old you were, how you felt about the pregnancy and with whom you discussed the situation?

WITNESS E: I was 19 at the time of conception and I believe I was 19 when the pregnancy was confirmed because it was confirmed quite early, but I may have been 20. I was living with my boyfriend at the time. He was the only one I discussed the situation with initially. At around 12 weeks I discussed it with another friend, who was a youth leader of a Christian group that I was attending, and later in the pregnancy, much later, I discussed it with one more friend. They are really the only people. I did not want to be pregnant. I had no desire to be a parent at all. I think I was in a state of denial and I was quite shocked. For the first 4 ½ months. Because I did not have it confirmed by a blood test, I had actually talked myself into believing that there was a 50 per cent chance that it might actually be a phantom pregnancy, even though that usually happens when you want to be pregnant! I had planned on a cycling trip and I thought perhaps I did not want to cycle up those hills so much that I talked myself into being pregnant. So, I do not think I had actually accepted it as a reality too quickly.

CHAIR: When did you accept it? I suppose that is explained in your answer to our second question. In your submission you say that prior to the birth you had decided to give your daughter up for adoption and had contacted the Anglican adoption agency. What factors contributed to your decision to have the baby adopted?

WITNESS E: Do you mean just prior to the birth or after the birth as well?

CHAIR: You answer it as you please, and if you feel you want to distinguish between the two times, please do so.

WITNESS E: Sure. There is a definite difference. Prior to the birth, because I did not have any desire to be a mother whatsoever, I actually decided to go ahead with the adoption after I decided not to terminate. So, to me they were the only two options at all for me. I did not consider at all keeping the child initially. Later in the pregnancy, I was probably about seven months and I was looking for somewhere to live. We were wanting to rent a house up the coast and there was one that we looked at and they said no pets and no children. That was the first time that I had even a twinge of thinking, "I might want to keep this child."

After the birth the reasons for giving her away were very different. I gave her away because I believed it was best for her. I wanted desperately to keep her then. Because I had made a rational decision earlier and I did not have anything to challenge that apart from the way that I felt and my emotions, I eventually decided to go ahead with it. I felt inadequate to be a mother, which I realise now that lots of first time mothers feel that. I was not educated enough to know at the time that those feelings often come with the first pregnancy. I was not financially secure. I was just living week to week. The father of the baby and myself were not intending to continue the relationship.

CHAIR: Can you tell us about the treatment you received from the Anglican adoption agency and the information you were given about adoption and alternatives? When did you first talk to them?

WITNESS E: I cannot recall when I first spoke to them. It would have been once I decided not to terminate. I spoke to them before I went on that cycling trip and I just arranged a few things and they gave me some information with regards to the consent, the signing of it five days after the birth, the 30-day revocation period. It was more just a matter of practical goings about the adoption than anything else. I do not recall anything else being entered into at the time.

CHAIR: Did you have only one meeting with the agency before the birth?

WITNESS E: I do not recall. It would have been only one or two. It was not many. It was just enough contact to organise the ins and outs of the adoption. I cannot remember whether they suggested or a friend that there was a home for unmarried mothers I think in Turrumurra that I went to see. I was initially going to stay there because my boyfriend was going to be moving to the USA. I did go and see her too. I decided not to stay there because the regulations were very strict and I thought her manner - it was not at the Anglican adoption agency, they were very polite - she was demanding to know everything about the father and at the time the father did not want anything known. I just thought it was too controlling, so I decided not to go with that option. I do not think I had much other contact with the adoption agency.

CHAIR: So, through to the birth you had the support of friends and only friends, and stayed at home?

WITNESS E: Yes. Basically just my boyfriend and this other close friend. The friend I told in the latter part of my pregnancy was not at all supportive of me giving my child up for adoption. She did not believe that if I loved my child that I would be able to do that, but I knew that she was wrong. So, I would not exactly call that support.

The Hon. Dr A. CHESTERFIELD-EVANS: In your submission you say that the treatment your doctor provided while you were in labour was illegal and unethical. Could you please tell the Committee about that treatment? Do you have any idea why the doctor treated you in this way?

WITNESS E: I am trying to find a polite way to say it. I had been seeing a doctor in the few months prior to the birth and he seemed polite and informative and answered all my questions. When I was in labour I had been asking for the father of the baby to come over to be there for the birth. He had been admitted to the hospital three days prior after a motorbike accident. The nursing staff had said that he would be able to come over and be with me, that they had called him and that he was on his way. They kept saying that and then I realised that they had not even inquired of his surname. When I inquired further, they said, no, surgical

patients are not allowed in the labour ward. I became upset at that point. Probably a minute or two later my doctor walked in.

Sorry, I need to go back a little bit. I had not informed my doctor prior that I was giving my baby up for adoption. I just did not want to be treated any differently and I did not see what it had to do with the antenatal care that I would be getting or the delivery. I had no idea that there would be any other impact to this other than a physical nine month sort of thing. When I was admitted to the labour ward I did tell one of the nurses when she was completing the questionnaire that I wanted to express the milk and have the breast milk fed to my baby rather than breastfeed myself. She asked why and I told her it was because I was intending to put her up for adoption and let her know that I had not told the doctor. I asked her not to pass it on, which she did pass on, which was fine.

When the doctor first came in to me, this is before I got upset about the father of the baby not being allowed over, the first question he asked me when I was in labour was, "Are you keeping the baby?" I said, "No, I'm not intending to keep the baby." The next time I saw him was when he came in when I was upset about their lying to me and not allowing my boyfriend over. He did not ask what I was upset about, he just spread my legs and started to examine me. One of the nurses said, "That's not what she's upset about". I was asking him not to touch me, not to come near me and I was pulling my legs together. He did not listen to either myself or any of the nurses, he just demanded that they hold my legs apart and at least three were around the bed so they held my legs out and he said he was just seeing what the baby was doing. I continued to yell at him and scream - it was screaming, I guess - and just asking him to leave me alone. He said he was just seeing what the baby was doing.

Then I saw through my legs that he was coming at me with a long piece of wire and he broke my waters. He did not tell me that he was about to do that; he did not ask me if he could. He then put a drip into my hand and arranged for some fluids to be put up. I asked him what they were for and he said that they were just to keep me hydrated. Later on the father of the baby was allowed over, probably because of the fuss I created, and the father asked one of the nurses what the fluids were for. They said it was to induce the birth. So the doctor had given me a drug. When I specifically asked him what he was putting up he told me it was just to keep me hydrated, and it was not what the fluids were for at all. He was inducing the birth to get a move on with the labour, I guess.

I do not believe that the baby was in any danger when he came and assessed me in that way. I think it was probably illegal and a highly unethical thing for him to just come in and treat me like that. I do not know whether it was because he had just found out that I was giving the baby up for adoption but I did notice a change in his manner. Afterwards he was more polite, but arrogant. He had a condescending tone to the way he spoke to me since then. It was smiles but there was a tone there that I had not noticed earlier but I could not say for sure whether that is just the way he operates when he is in action.

The Hon. Dr A. CHESTERFIELD-EVANS: If the doctor's personal view was that you should keep your baby he may not have been hiding it very well. However, you were getting the care you needed to have your membranes ruptured and it may have been standard practice to hasten the labour with some syntocinon or whatever was used.

WITNESS E: I do not think it was then. I am pretty sure it was not standard practice to do that. It was only if there was trouble or if it was needed. I was emotional at the time, I was not physically in any distress. I was in labour but it was not very intense at that stage. I do not believe at all that it was even just normal practice because the ante-natal classes that I went through informed us of everything.

The Hon. Dr A. CHESTERFIELD-EVANS: Do you allege that you were given syntocinon or whatever in the drip because you were going to give up your baby - and that was not standard practice - and he had less interest in you and he wanted therefore presumably to get the labour over with more quickly?

WITNESS E: Yes, but I could not say for sure because I was never told nor did I look into whether that was his standard practice. From my understanding and from what I had read I do not think it should have been normal practice. I could not say for certain but that is my opinion.

The Hon. Dr A. CHESTERFIELD-EVANS: Did he put the drip in immediately after he ruptured the membrane?

WITNESS E: I do not recall but it was within the same period.

The Hon. Dr A. CHESTERFIELD-EVANS: Within five or 10 minutes, or some hours later?

WITNESS E: No, it was not hours. As far as I can remember it was within the same five-minute visitation and he left after that and did not come back until I was just giving birth to the baby. There was another doctor there then that did most of the delivery.

The Hon. Dr A. CHESTERFIELD-EVANS: Did the nursing staff and social workers encourage you to care for your baby in the days after the birth?

WITNESS E: No, they did not encourage it. Initially I had asked not to be treated differently in the labour ward and they had assured me that I would not. Straight after the birth a doctor - presumably the resident medical officer who was called in to top up the epidural - said, "Would you like to put the baby to the breast?" I decided to put her to my breast to see what it was like, and also I thought it would be a nice way for her to start life. I hesitated for a moment because I did not want to get attached to her but I thought I would just do it the once. I do not think that that doctor was aware that I was giving up the baby for adoption

but he was just called over to top up the epidural at the same time as I was giving birth. What was the question?

The Hon. Dr A. CHESTERFIELD-EVANS: Did the nursing staff and social workers encourage you to care for the baby after the birth?

WITNESS E: No, they then said I could go to sleep. I said could I be woken so that I can express the milk so that my baby gets the breast milk? I wanted her to have the colostrum for the antibodies. They said they would wake me in three hours and I could go to sleep. When I woke up I was in a room on my own upstairs. I rang the buzzer and some nursing staff came in. I said, "Can I see my baby?" One nurse said, "No, I don't think you are allowed." I said, "I was told I would be woken for her feed". She said, "I will go and find out" and she went out and then came back and said, "The sister in charge is at dinner, you will have to wait until she gets back." I said, "No, my child is due for her feed. I want to see her. Can you bring her to me?" She said, "I will just go and ask somebody else." Another sister came back and said, "No, you will have to wait until the main sister gets back from her dinner break." I asked where my baby was and was told that she was in the downstairs nursery. I said, "I was told I would not be treated any differently". Because I did not know how I would initially react so I just wanted to play it all by ear.

I got out of bed and started to walk down the stairs. My legs were still numb from the epidural at this stage and it was a bit difficult to walk. It just felt really funny and one of those sisters actually helped me down the stairs. We were met at the downstairs nursery by a nurse who stood in the doorway with her hands on her hips and prevented our entry. I told her what I was there for and she said that my baby had already been fed. I said, "What was she fed with?" She said, "Formula milk" and I told her that I had explicitly asked for her to be fed breast milk. She said that she knew that but she thought that because I was giving her up for adoption it would be best for the baby to be fed formula milk, so she just went ahead and did it. I told her that I wanted to be in the same ward as my baby and again said that I had been assured I would not be treated any differently just by telling them. Initially I was not going to tell anybody it was just that the question of breast feeding came up so I told them.

She said that they did not have the staff upstairs where I was to be able to attend to any of the baby's cares so that I would have to look after all of her cares myself if she went upstairs. So I decided to do that. I said, "Okay, I will have her with me" because it was obvious that they were not looking out for her best interests and I did not trust them to leave her in their hands. There was another sister on the ward that used to come into my room and if I was cuddling my baby she would take my baby off me, put her back in the crib and would say, "Don't hold on to her". I said, "Why not?" She said, "Because it's best for the baby, that's why" and she would walk out. I would then pick up the baby because I knew it was best for her. I had to push for every bit of contact I had. Most of the nursing staff then came around and helped me with the breast feeding and things like that except for that one sister who would still come in and take her from me every time.

The Hon. Dr A. CHESTERFIELD-EVANS: The ethos of the medical profession and hospital staff would be to take pride in the treatment that actually affects whether a patient lives or dies so that it is no different whatever the situation. Is it fair to sum up the situation by saying that the niceties in the way they do things for public or private patients, or in your case in an adopting or non-adopting sense is a personal observation of yours rather than a medical fact or is it more than that?

WITNESS E: I would say it was even more than that because they were taking away my rights when they had marked the chart "BFA" which they told me stood for "baby for adoption". I had not signed any papers but I had to push to even be able to see her. I am sure that was a part of it, or it was just their old-fashioned way of thinking. I do not think that they were doing the best thing, certainly not by my child, and that is where my interests were at that stage.

The Hon. Dr A. CHESTERFIELD-EVANS: There was some doubt in your mind as to whether you would put up the baby for adoption because you had said you were but you had not signed the papers and you were behaving as if you were not?

WITNESS E: Yes, I was still intending to put up the baby for adoption because that was what was set in my head but every bit of me wanted to be with my child all the time. The reason why I took her from the downstairs nursery was because they were not willing to give her the breast milk. I needed to know that she was being looked after.

The Hon. Dr A. CHESTERFIELD-EVANS: You thought the antibodies were important?

WITNESS E: Yes, at least for the first few days of her life. I had read that they were important and I wanted her to have the best start that she could have.

The Hon. Dr A. CHESTERFIELD-EVANS: Are you able to say what impact this contact with the baby has had on your long-term adjustment to the adoption?

WITNESS E: It is very difficult to say. I have heard other testimonies of people blocking out or repressing the feelings that they had for their child and 20 years on they are having problems whereas I guess I had problems straight away, and I still do, but I think that the joy of having that contact with her and the reality of it sinking in was probably of benefit to me. Even though it was very painful and I knew exactly what was happening, and probably felt more emotional at the time, I still think it was worth it and better for me because it was just an unbelievable experience that I do not think should be denied any mother.

The Hon. Dr A. CHESTERFIELD-EVANS: It seems as though you were better off to have that time than people who never saw their baby?

WITNESS E: I think so. I am getting better as the years go on rather than worse. The first few years I probably cried myself

to sleep and woke up with tears in my eyes and I was a mess and I still am on occasions a mess. I have felt it all the way and I have really, really missed her. I missed her from the start and I missed her before I gave her away. As soon as she was born and I breast fed her there was something different but I do not consider that to have been a bad thing. I see it as a good thing.

The Hon. D. F. MOPPETT: Witness E, you explained in your submission that during the 30-day relocation period you were assigned a social worker. Could you explain what advice and support you received during that period and, in particular, could you comment on the number of times you saw her and the contact you had with other mothers, perhaps to discuss the issue, and whether or not you were advised on the alternatives to adoption?

WITNESS E: In that 30-day period I did contact the adoption agency quite a lot. I talked to the social worker a lot. I spoke to her on the phone because I was living on the Central Coast. I was very undecided and she knew I was undecided. She advised me to make a list of advantages and disadvantages of keeping the baby. I went to visit another mother. I am not sure whether I asked for this, but I may have. I think I asked if there was anyone who initially decided to adopt and then kept the child. I wanted to see how they felt about it. So she put me in touch with somebody. I was always letting her know I wanted what was best for my baby. I was not given too much direction. I was never told that it was considered to be in the best interest of the child to stay with the natural parent unless the only other option was a ward of the State.

I asked time and again what was considered best. I was never told of any long-term psychological consequences on either myself or my child. I explained to her my situation, my financial situation, and things like that. I do recall, I have a vague recollection, mention of extended foster care, but with that we discussed the negative impact that could have on the baby if I did then go ahead with the adoption, because of the baby having that long time in foster care, because they need to be with their permanent carers as soon as possible. That was discussed. That was a belief I probably had myself, but we were discussing that. I could not be certain whether extended foster care was mentioned. I think it was mentioned but it was not given as a good option. There were some negatives to it.

The Hon. D. F. MOPPETT: Some other witnesses have felt that they were not appraised at all of any alternative, but you are suggesting you were at least aware of alternatives and you were advised to try to make up your own mind about advantages and disadvantages?

WITNESS E: Yes.

The Hon. D. F. MOPPETT: We would certainly be interested to hear in your own words whether you thought that appraisal was adequately supported by advice.

WITNESS E: I do not think there was enough advice given. I suppose I would have liked to have been told about some research on the problems that adoptees have. It was implied that I would feel more detached from my child as the years go on. I do not feel at all detached from her even though she is not with me. After one visit to the foster parents to see my baby I went and saw the girl at the adoption agency. I happened to mention that she did not seem like my baby. I meant that she was no longer jaundiced and she looked a little bigger and a little different. I cannot remember if I actually told her that is what I meant, but she said "That is just you detaching from your baby. That will increase with time." I think that was a lie.

The Hon. D. F. MOPPETT: I gather from what you say - and please correct me if you think I am wrong - there was a tendency to reinforce any things that were tendentious towards the conclusion that you should proceed with it, but I have not heard you say that you felt you were under pressure to proceed.

WITNESS E: No, I was not under pressure to decide one way or the other. They never pressured me, but I believe there was a lack of information given that I had actually asked for which could have helped me make an informed decision. Whilst it was my decision, and I acknowledge my large part in it, I do not believe I was given the information I should have been given to make an informed decision. I do not believe it was an informed consent. It was a consent, it was my choice, but it was not informed. There was actually some pressure put on me to make up my mind immediately. It sort of goes on to some of the next questions, but those questions run on a bit. Shall I go on to that?

The Hon. D. F. MOPPETT: Yes, it is all part of a continuum to the point where you got to the Supreme Court to try to revoke your decision. So, please go ahead in your own words.

WITNESS E: Just about every second day I would be coming down to Sydney to revoke the consent. I was so undecided I did not know what I was doing. I would run towards the train, run away from it. I would almost hop on it, I was in that much distress. I think that was obvious when I was seeing the social worker. I had contacted them at various times. I contacted her on the Friday. My 30 days was up on the following Monday and I realised that the Monday was a public holiday. I rang her at ten to four or something from the Central Coast and said, "I have just realised, what can I do if I want to revoke the consent? I cannot get down to Sydney on time." She said, "You can revoke it on the Tuesday." On the Tuesday I came down and again I was undecided and was hovering outside the Supreme Court.

I went in and actually revoked consent on that day. I was standing there crying, pushing it backwards and forwards, not knowing what to do, and the woman behind the desk said to me if I do not know what to do I should put it in, and if I decide to go ahead with the adoption the next day I should just ring up the adoption agency and it would be sorted out. I asked whether

my child would have to wait another 30 days in foster care, because I did not want her in foster care too long before she was settled with whoever her parents were going to be. She said, "No, definitely not." I checked with her twice and she said, "No, definitely not. You can have that extra day but you won't have to wait another 30 days."

The following day I rang up and my normal social worker from the adoption agency was not there – either that or I was not put through to her – and I spoke to someone else on the phone. I said that I would go ahead with the adoption, and the woman on the other end of the phone – I do not know who she was – rebuked me and told me I was being unfair on the child, how dare I change my mind at the last minute like that, that the adoptive parents had been waiting for the child and the mother had left her work and prepared her room and they were so angry. She said how dare I leave the child in limbo like that, and she demanded that I make up my mind immediately and stick to it. She raved on a bit more in that fashion, so from then on I did not have much contact with the adoption agency except when I wanted to visit the baby in foster care.

I again had another 30 days of indecision. I reduced the contact with the adoption agency and with my child because I felt like I had done the wrong thing and that they were looking down on me. I even felt that the foster mother was angry with me too and as much as I wanted to come down and see my daughter all the time I really felt pressure that I needed to make up my mind and stick to it. I still had not made up my mind and stuck to it because I knew I had that 30 days. The fact that it was there and that I still wanted my child left me hovering again outside the Supreme Court on the final day, but that time I did not go in. Whilst there was no pressure one way or the other there was definitely pressure to make up my mind immediately and I think that denied me the option of extended foster care, which I do not think was ethical and probably not legal. Is there anything else?

The Hon. D. F. MOPPETT: No, I think you have given us a very accurate picture of the dilemma you were in.

The Hon. H. S. TSANG: Many women have told the Committee that they were advised to forget about the pregnancy and get on with their lives. What counselling did you receive and what were you told about the long-term impact of the adoption?

WITNESS E: I was never told anything about the long-term impact of the adoption, never. I was never told to get on with my life but I never went back for any counselling. I did see a social worker at the hospital towards the end of my stay and I believe I had a couple of other meetings with her after that. That is about it. I do not recall much about it. I remember she said she had actually given up a child for adoption. I said, "How do you feel now?" and she said she had mixed feelings. That is all I remember about that. So, I was never told to get on with my life, but recently I attended a post-adoption resource centre. Just last year I was trying to prepare should my child want to meet me one day. I decided it was about time to sort things out. This is not totally relevant to the question but it sort of is.

I went to a group there and I was saying that I am now allowed to write once a year to my child. I have been writing to the parents for quite a few years. They were saying perhaps I should ask to be able to write more often. I went in and spoke to them regarding that and they said maybe I should go through the adoption agency rather than write to the parents. I write through the adoption agency anyway. They said if I can get the adoption agency on side and the parents on side, they would be more likely to let me if I can prove that I am getting on with my life. She in no way suggested I should get on with my life but the implication was it was still out there in the adoption agencies or the adoptive parents that that is something you need to do before you are allowed any access or extra access. So, there is something still not quite right there. I definitely was not told to get on with my life but I was told if I could show it there was more likelihood I could get what I wanted, which was a bit more contact with my child.

The Hon. H. S. TSANG: Given that you had decided to have the child adopted prior to the birth and then changed your mind several times after the birth, how do you now view your decision to go through with the adoption? For instance, do you think you did the right thing for yourself and for your child?

WITNESS E: It is actually a very complex question. I never thought I did the right thing by myself but I thought I was doing the right thing by her. So, at the time, because of that, it was the right decision, but had I been informed of everything I asked, no, I do not think it was the right decision. I think it would have been the right decision to keep her for both of us but, having said that, I do not know in her particular case. She seems to be well and happy so it would have been a different life and it is too hard to answer. I do not know.

The Hon. H. S. TSANG: What measures do you consider might assist mothers experiencing distress as a result of past adoption practices? For example, do you have any suggestion about access to information?

WITNESS E: What I would really like is the development of a time machine so we could all go back, but I know that is not very likely. I do have a list here that I put in my submission. If I can just read through it, it might be a little different. I suggest public recognition of unethical and illegal practices; funding for and implementation of further research into the effects of adoption and adoption practices on all parties involved; design and implementation of a campaign to educate the public on the realities of past and current adoption practices and consequences; promotion of honesty and openness concerning adoptions and identities, with laws that reflect this need; feedback of information to adoptees and birth parents at their request, regardless of the age of the adoptee; access for adoptees, birth parents and adoptive parents, regardless of the age of the adoptee; a change in laws to provide open records regardless of an adoptee's age, and active assistance with searches; and funding for the provision of unbiased counselling and mediation for those searching and considering reunions, regardless of whether the adoptee is over 18 or not.

Other things that are required are: sessions for adopted children where they can inquire about their birth relatives in a safe and confidential environment with an informed worker and options of meetings with birth parents in a similar safe environment;

provision and promotion of groups for adopted children both under and over the age of 18 where they are free to ask questions and discuss issues regarding their adoption with other adoptees and professional psychologists; funding for counselling and education of all parties involved or affected by past adoption practices, including adoptees, adoptive parents, birth parents, health workers, social workers and adoption agency staff. If we are able to help our children it will help relieve some of our distress.

The most distress that I suffered was not knowing whether she was alive, whether she was well and whether she was happy. Opening some access and making information available could ease a lot of that distress. I actually found my child when she was six. I got to see her and I spent a bit of time with her. I did not think she knew who I was, but she did know who I was. She held that a secret for another seven years until she felt comfortable to ask her adoptive parents whether they had ever had any contact with me. They then opened up and told her everything that had gone on. I do not think that it is fair that we are locked away from each other simply due to adoption. My grief was totally relieved during the period that I could see her.

CHAIR: Can you tell us how you found her when she was six and the effect that it had on her and you?

WITNESS E: Yes. I cannot really tell you about the effects on her. I have received only one letter from her; I have not received any other letters. She said she was happy. She said that she knew who I was straight away and she said that she had hoped and wished that I was her mother. She said that she was almost sure that it was me. She had been hoping and wishing that I was her mother. She seemed fine about it, although she has not written back, so I am not sure how she is about things now. I visited the initial foster parents one Easter when she was about one and the husband in that situation slipped out some information about the general area she was in and how they went to her dedication. I presumed that they went to a Baptist Church.

I did not feel like I had a choice; I needed a lightning bolt to stop me from seeing her. I had craved her all those years. I had looked and I did not find her until she was six. I recognised her straight away and I saw that her adoptive mother was delighted to see her when she came down from Sunday school, so it reassured me about a lot of things. I eventually taught her dance for a week and had the time of my life with her. We got on really well. Her adoptive mother said, before she realised who I was, that she was not usually as outgoing, that she was really enjoying the concert dance and that she was blooming. Her adoptive mother said that she was usually shy. We got on really well.

CHAIR: You commented earlier that you had made contact with her before.

WITNESS E: At the time that this person gave me this information I tried to block it out of my mind. I knew that I was not supposed to be listening to what was being said. To this day I still do not know what I said to the woman who was there. All this information was revealed and it stayed in my mind. It was as though I really needed to act on it. I was so happy during the time when I could see her. Eventually I got caught and I was again forced into a situation where I was not able to see her. That was double trouble and more distress yet again. At the time that I saw her I was very happy. That is why I believe that open access would relieve distress. For some people it is too late, but it can be prevented in the future if the laws can be changed or if there is an implementation of some sort of access. If there are any concerns there could always be a third party present to make sure that the child is safe. Before I was pregnant I used to see people with their babies in pubs, breathing in all the smoke. I always thought that that was really unfair. I thought that they should give up their children for adoption as lots of people who want children will look after them properly. After I had my baby I thought that I could never put that on anybody. I could not put them through that amount of distress, pain and grief. So my attitude totally changed. Before I believe that I was ignorant. I do not think that should ever be forced on anybody.

The Hon. Dr A. CHESTERFIELD-EVANS: I am a bit unclear on this. You were concerned about pubs and children in pubs. Did you have a drug or alcohol problem? Were you a heavy smoker and you thought that your baby would be affected by being near you? You were in limbo with this boyfriend and you believed that your financial situation was not too secure. But this occurred post-Whitlam when a supporting mother's benefit was available.

WITNESS E: Yes.

The Hon. Dr A. CHESTERFIELD-EVANS: So you could not say that you thought you would be destitute like some older mothers?

WITNESS E: No, not at all.

The Hon. Dr A. CHESTERFIELD-EVANS: You did not have a drug or alcohol problem and it was not as though you were not able to look after the baby from day to day?

WITNESS E: No, I did not smoke. I drank a little when I was a teenager but I had stopped drinking at that stage. I was quite health conscious. There were lots of reasons why I thought she might be affected by me. I did have a history of an abusive family. That was the only thing that I thought could be passed on later. I did not feel at all like that towards her then. I know that that is not me. It would not have been what I did. At the time there were a million fears going through my mind. I wondered whether I would be a good enough mother.

I forgot to mention earlier, when I was seeing the person at the adoption agency, I mentioned that I thought that the feelings I had of wanting to keep her might have been due to a hormonal surge. It took me so much by surprise. I did not know that parents loved their children until I had my baby. I wondered whether the feelings could be due to a hormonal surge, or whether they would go. I do not recall there being an answer. I certainly was not told: "No, this feeling is likely to last forever." I was trying

to base my decision on what was rational rather than on my feelings. In the past I had thought that I really wanted her to be brought up in the best possible environment. I asked for two parents that were committed Christians. I asked for non-smokers; I just had a bug about that. Basically, I just wanted what was best for her. At the time I was not sure that I was best for her.

The Hon. Dr A. CHESTERFIELD-EVANS: You did not have a drug or alcohol problem and it was not as though you could not get a supporting parent's benefit. The problem was that you were single and your boyfriend and you were splitting up. You said that you made a rational decision when you decided to give up your daughter; then you got emotional because of a hormonal surge at the time of delivery. Physically, you were quite healthy and you were living in an environment where you could have obtained the supporting mother's benefit? Presumably you knew that.

WITNESS E: Yes, I knew that.

The Hon. Dr A. CHESTERFIELD-EVANS: What made your decision to give her away so rational?

WITNESS E: I do not know what was so rational about it. At the time, I think I was probably still in a bit of denial that these feelings were real; that I really was a mother. It was an extension of that denial from earlier in the pregnancy that led me to think that the rational thing to do was not to keep her.

The Hon. Dr A. CHESTERFIELD-EVANS: You thought that, because the pregnancy was not planned, you therefore should not keep her?

WITNESS E: I had not planned the pregnancy and I had made no arrangements financially. I was not going to be supported at all by my boyfriend; we were splitting up. That really did not come into it too much. What came first was what was best for her. I thought that, if my boyfriend was not going to be having contact with her, it was not really best for her; she would grow up not knowing her father. As it is, she has grown up not knowing either of us. I was in this head space. I went back to my old way of thinking that it was the best thing to do if I did not have my life sorted out or I was not headed in a certain direction. It was a shock and a surprise to me that I wanted to keep her. I could not understand that surprise so I went on my previous decision. But those feelings did last.

The Hon. Dr A. CHESTERFIELD-EVANS: I am not clear about your contact with her. You said you had her when she was being fostered and then you saw her again at six and you had some contact with her. You then found her through the Baptist Church, you were her dance teacher and you then lost touch with her, presumably for another 10 years, as she is now 16?

WITNESS E: Yes, she is 16.

The Hon. Dr A. CHESTERFIELD-EVANS: So you saw her when she was a month old. How come you did not know where she was if the adoption agency knew? How come you then traced her to the Baptist Church and became her dance teacher? Can you explain what happened and how you got to see her?

WITNESS E: I did not get to see her through the adoption agency.

The Hon. Dr A. CHESTERFIELD-EVANS: The adoption agency obviously knew where she was?

WITNESS E: Yes, but I was not allowed access.

The Hon. Dr A. CHESTERFIELD-EVANS: The adoption agency would not allow you access?

WITNESS E: No, the law did not allow me access.

CHAIR: You said earlier that you got found out?

WITNESS E: Yes.

The Hon. Dr A. CHESTERFIELD-EVANS: Was that when you were a dancing teacher?

WITNESS E: Yes, but it was within the church. I taught at Sunday school for a while. I was in her main group but I did not have her generally in my little group. We also had a bible club. I actually believed what I was teaching, so I was not being totally sneaky.

The Hon. Dr A. CHESTERFIELD-EVANS: You became a bible teacher at that church because you knew that she went there?

WITNESS E: Yes.

The Hon. Dr A. CHESTERFIELD-EVANS: She did not know you were her mother?

WITNESS E: I did not think she knew, but she said that she knew who I was straight away, the moment I was introduced.

CHAIR: She has said that since in a letter that she has written.

WITNESS E: I did not know that she knew.

CHAIR: You said earlier that you got found out. Was that by her adoptive parents or by the church?

WITNESS E: By her adoptive father. He said that he saw something in my eyes. I had been working for a week teaching dance during the bible club and her mother was teaching craft. I knew then that I was in trouble. I was wearing my nurse's uniform as I had come off night duty. I arrived as tired as anything and I realised that she had not twigged who I was. The adoptive parents had information about me. They knew that my name was [...] and that I was a nurse. The only thing that I did not say was that I taught gymnastics; I left that out. I gave a different suburb and things like that. I got on quite well with her adoptive mother. I think I let my guard down a little. I thought that, if she did not realise who I was, I was home and hosed. Before I stayed very separate. I did not talk to anybody; I just went to the Sunday school. I was just there to see her. The Sunday school was actually very boring but I would sit there with a grin from ear to ear because I could see her and I knew that she was okay. I loved it, not because of the style of it or anything. It was not really my scene as such, but I did believe in what I was teaching.

We had a concert night and I had my daughter on my shoulders. The father came up to us and said, "I think it is time to go home 'little froggy'". He picked her up and I thought then that he knew. There were many times when I was at that church when somebody tapped me on the shoulder and said something and I thought they knew. This time I was more relaxed and I put it off as one of those things. Two weeks later I was pulled out of Sunday school. The assistant minister was there with somebody from the adoption agency. The adoptive parents wanted to speak with me as well and they did not want me going there any more. Obviously they thought that she was too young to understand or to be able to cope with a dual parenting thing, so they decided that I should not have any more contact.

CHAIR: And you respected that decision?

WITNESS E: I went along with it, yes. I could understand it from their point of view. I think they were a little fearful as well. But they said that they were glad that they had actually met me. I had prayed for years, hoping to find her. I believe that it was God who led me there. They believe the same thing. They said that a lot of their fears were unfounded. They had fears about what I might be like. They are no longer fearful of what I am like.

CHAIR: But you did not have contact then from when she was six until when she was 16?

WITNESS E: No, they did not want me around. They did write each year and send photos.

The Hon. Dr A. CHESTERFIELD-EVANS: Is that what they were bound to do?

WITNESS E: No they did not have to do that. They were bound to do that only for the first year. I got a photograph of her at seven months and then another photograph at a later stage. I do not think they were bound to do that either. The adoption agency keeps an eye on the child for the first year and after that people are on their own to move wherever they want.

CHAIR: They have chosen to write to you?

WITNESS E: Yes. They were very gracious. I thought that they would be furious but I was willing to be hung to see her. The consequences - I would not have minded if I had been gaoled - were all worth it.

The Hon. Dr A. CHESTERFIELD-EVANS: You were excluded for 10 years?

WITNESS E: Yes. She had just turned eight when I got caught.

The Hon. Dr A. CHESTERFIELD-EVANS: So that was quite a period?

WITNESS E: Yes, for eight years.

The Hon. Dr A. CHESTERFIELD-EVANS: Things change when she turns 18?

WITNESS E: Last year I got my first letter from her, so they have allowed us to write. Initially they said in the first letter - when they said that they had told her everything and that she had asked them - that after discussions with the adoption agency they had decided to keep with the current arrangement of writing once a year. I did not know whether I was able to write to her then or not but I thought it was silly just to write to them when I am writing to them regarding her, so I wrote a letter to her as well and enclosed it. I said that I would leave it up to them whether they gave it to her or not because I did not legally have any ability to access her even by a letter. They gave it to her and she wrote back.

Since then I wrote another letter asking if we could have more regular correspondence or if they had any concerns did they want to meet with me or anything like that. When I went to the adoption agency regarding that, I was told that it was not the adoption agency that had said just once a year, although it had been implied from the letter from the adoptive parents that it was the adoption agency's decision. The adoption agency advised me to write and ask for extra contact. The parents have written back and said that they do not mind me writing more often. At the moment my daughter has not actually written back and they have not said why. They have just said that they were sorry that she had not responded to the letter but that it did not mean that she will not respond to the next. They had no problems with me writing. I do not know whether it was because I was not who she wanted me to be or if I offended her in the letter. I do not know what is going on. I do not get a lot of information.

CHAIR: The information and the decision lies totally with the adoptive parents at this stage?

WITNESS E: I think it actually lies with my daughter at the moment with regard to letters. Meeting would be another thing, but at the moment I guess it is not where my daughter is at. I would like to add that because of the miscommunications that occur

so easily - I do not think they are intentional because I do not really know what is going on with regard to these sorts of things or people's reasons - I am very hesitant to further institutionalise any of this adoption situation because yet again there will be or there could be more miscommunications. It would just leave so much room for error and misjudgment when there are third parties involved. If somehow we could have just open access and leave it up to the individuals and people being brought in when they need to be brought in would be better. I am a little bit hesitant at institutionalising it, if that makes any sense.

CHAIR: The only question we have not asked you is whether you think an apology made by the relevant government and private agencies would assist people affected by past adoption practices?

WITNESS E: I certainly think it would be a start. I am sure there are lots of people who have not started to begin healing and a lot of the anger part of it might be relieved if there was an apology. It makes it open and it makes it real. I think it needs to be followed up with action, however. Law changes are needed and it cannot just be the words "We are sorry". There needs to be some changes to ensure that it never happens again. My experience was my choice mostly; but for a lot of other women who have testified, it was not their choice. Their babies were taken and there needs to be an apology and there needs to be an apology for the lack of information. There needs to be a campaign to make the public aware and to better educate everybody on what is best for the child.

The thing that distresses me most is all the problems that I read for adoptees. I never knew that. I used to pray that she would not feel unwanted. I never knew of all the consequences. I do not know how much damage my decision has done to her. I thought I was doing the right thing for her. That is the most distressing thing. If something can be done to help the adoptees, that would ease our distress. As I said before, the apology definitely needs some follow-up but it would certainly be a great start. I do not know that we will ever get over this pain or the distress, but it can be prevented in the future.

The Hon. Dr A. CHESTERFIELD-EVANS: I am not clear about what you mean by "institutionalised". Do you mean the separation being institutionalised?

CHAIR: You really mean bureaucratised.

WITNESS E: Yes, that is what I meant. I used the wrong word.

The Hon. Dr A. CHESTERFIELD-EVANS: You think that the contact should be direct, full stop?

WITNESS E: Yes.

(The witnesses withdrew)

ROBERT NOEL MILLER, ARC Search Services, sworn and examined:

CHAIR: You have received a summons?

Mr MILLER: Yes.

CHAIR: You are conversant with the terms of reference to the inquiry?

Mr MILLER: Yes.

CHAIR: You have made a submission. Do you wish that to be included in your sworn evidence?

Mr MILLER: Yes.

CHAIR: Do you want to open up by saying anything, or shall we go straight into the questions?

Mr MILLER: I would like to make a short statement. I first joined the New South Wales public service in April 1961 and worked in a number of government departments. In August 1988 while attached to the New South Wales Attorney General's Department I was temporarily transferred to the position which at that time was vacant of deputy principal registrar, Registry of Births, Deaths and Marriages. I was later permanently appointed to that position and I held it until I took a voluntary redundancy in April 1996 following the abolition of my position. I was heavily involved with the implementation of the Adoption Information Act 1990 prior to its introduction on 2 April 1991. I attended many information meetings throughout Sydney and major country centres. From 1991 until 1996, as deputy principal registrar, I was dealing on a daily basis with people affected by adoption. I spent many hours of my own time on weekends and after hours in the registry conducting searches on behalf of clients who had difficulty getting information relevant to their search.

My departure from the registry in 1996 was the subject of media attention and resulted in the Government commissioning a report entitled "A Report on the Provision of Search Services for People Separated by Adoption and Other Circumstances" by Bruce Callaghan of Bruce Callaghan and Associates. This resulted in a tender for the provision of a special search service being called in December 1996 and closed in February 1997. This tender was subsequently cancelled in March 1997 following interviews by myself

and three other organisations on the basis that the original tender needed to be revised. In April 1997 I was approached and offered the opportunity of setting up an interim searching service for approximately three months while the original tender was revised. At around the same time Bruce Callaghan and Associates were commissioned by the Government to conduct further inquiries which resulted in the second report entitled "A Model for Family Identity Searching in New South Wales" being submitted. On 12 May 1997 I commenced operating an interim search service in which I had direct access to the computer records of the New South Wales registry of births, deaths and marriages.

However, while I could accept requests for assistance directly from individuals or organisations, any relevant information I was able to locate was referred back to the registry for further action. This service continued for 18 months until my interim contract was cancelled on 11 December 1998. The new service, which was more restrictive than under the interim arrangements, was awarded to the Salvation Army which was the successful tenderer on the revised tender. The Salvation Army commenced operations on 14 December 1998. I have continued to provide a voluntary information and advisory service and still receive calls from people who are affected by adoption and who are seeking assistance. Over the past eight years I estimate that I have spoken directly with approximately 5,000 people who have been affected by adoption. The majority have been adoptees and birth mothers. However, I have had contact with many adoptive parents and a small number of birth fathers.

I have mediated in approximately 300 contacts and have actually been present in approximately 20 cases of adoptees meeting their birth parent or sibling for the very first time. At no time have I ever taken any particular side of any issue and I have always respected a person's right to privacy if they have indicated that they do not want any further contact. I do not provide any counselling services. When I consider that professional counselling is required, I always ensure that services are immediately available. I have not sought payment for any work I have done in the past or in the future other than from the Government. At present, the costs of the voluntary advisory and mediation service which I conduct are met by me. I have had hundreds of favourable comments referring to me in support of my work and I am aware of only two letters of complaint, both of which were unsubstantiated.

At present I am employed by the Department of Community Services by way of a temporary appointment up until the middle of November 1999 to complete a six months review in relation to searching services. This resulted from a recommendation in the second Callaghan report. As indicated in my submission, I have sighted evidence which would indicate that the form of information was completed by someone other than the birth mother and was merely given to the birth mother for signature. I can refer the Committee to various birth registrations that might confirm some of these claims. I am happy to do so, if that is the Committee's wish. I would ask that the Committee respect the privacy of those involved as they are unlikely to be aware that this information is being brought to your attention. I thank you for the opportunity to make this statement.

CHAIR: You have touched on some of our questions in what you have just said except for some slightly different matters. Between the introduction of the Adoption Information Act 1991 and April 1996, as you have said, you were involved in assisting birth parents to contact their children. You say that you have spoken to possibly 2,500 birth mothers, some of whom gave details of their treatment in the lead-up to the birth. Can you outline to the Committee the types of experiences described to you by birth parents, in particular any indications of the proportion who reported negative experiences and the proportion who reported positive experiences?

Mr MILLER: Sure. I commence by indicating that with all the people I have spoken to, we have not gone into the details of their particular treatment. Most of the information that has been conveyed to me has been conveyed on a voluntary basis during our discussions. I have had mothers indicate to me treatment such as being isolated in separate areas of the hospital, away from the standard rooms that most mothers are in; not being able to see or even hold their child; having to share wards with married mothers who were allowed to have their baby present during visiting hours and having to witness joint happiness by the groups while they just lay there without their baby being present; having pillows placed over their chest during the actual birth; not being told the sex of the child; upon discharge, being told to just get on with their lives and pretend it never happened; being told that their child was already with the adoptive parents only a day or so after the birth.

I have also had people indicate that they were very favourably treated and did not experience any of that. Some advise that they were treated very kindly by hospital staff and that they have actually been given the opportunity to see or hold their baby despite that being against hospital policy. I estimate that I have heard maybe 200 or so negative comments from mothers and maybe 20 or so positive comments. But it should be remembered that this is based on information voluntarily provided and not asked by me during the course of our interview.

CHAIR: With regard to what you have just said about those practices, have you gained a feel for changes over time?

Mr MILLER: Most of the people I dealt with were people who gave birth prior to the late 1970s, even from the mid 1970s on, as a result of the introduction of the Adoption Information Act. I have had no real experience in the practices over the past 20 years.

CHAIR: So you would be mainly talking about women who had babies in the 1960s?

Mr MILLER: I would be talking about women who had babies in the 1950s, 1960s, and up to around 1970, but very early 1970.

CHAIR: Are you able to comment on the experience of birth fathers?

Mr MILLER: I have not had a lot of experience with birth fathers. One point I would like to make is that in our discussions we referred to birth fathers. But the Adoption Information Act only recognises a birth father if his name appears on the birth registration, and they are in the vast majority. In fact, in all the time that I have been involved in this process I have only ever seen two registrations that bore the birth father's name where he was not married to the birth mother. I have one of those available here. I have spoken to birth fathers who have made attempts following the introduction of the legislation, but because they were not on the birth certificate they were not eligible to apply. They had to go through another process to get their name on the birth registration, and that was not always easy.

The Hon. H. S. TSANG: I may have misunderstood you. You said that most of the birth certificates have shown both the birth father and mother?

The Hon. Dr A. CHESTERFIELD-EVANS: Mr Miller said "majority", but I think he meant to say "minority".

Mr MILLER: I meant to say "minority", I am sorry. Of all the pre-adoption birth certificates I have seen - and I have seen thousands - I have only ever seen two that had the birth father's name on the birth registration, where the birth father was not married to the birth mother. I have seen others where they were married, but still very few.

CHAIR: Your submission states that you suspect that many single mothers were not informed that the father's name could be entered onto the original birth certificate. Would you outline the basis of that belief?

Mr MILLER: I have some concerns about a comment made at the last hearing. The question was asked whether there was a reluctance for the birth father's name to appear on the certificate. The response was that they would not class it as a reluctance but it was actually legally impossible. I am not sure that that is correct.

CHAIR: Are you referring to the evidence of the officer from the Registry of Births, Deaths and Marriages?

Mr MILLER: Yes. I have transcribed an extract from a form of information of birth or stillbirth relating to a birth that occurred in 1974. We must bear in mind that over the years the form of information in relation to registering a birth has varied and there have been three Births, Deaths and Marriages Acts that I am aware of - 1899, 1973 and the last one in 1996 - and they have all varied. This particular form of a birth in 1974 states at the top of the form: "This form when completed may be posted or delivered to the District Registrar, but the information must reach him/her within 60 days of the birth of a child or 21 days where a child is stillborn (not born alive)." It then goes on to say: "If the parents of a child are not married to each other, and they both desire that particulars of the father be entered in the register, form RG6/1, obtainable from any District Registrar, must be completed and signed by each parent in the presence of a Justice of the Peace. Parents should consult the District Registrar if either of these forms does not appear to meet the circumstances."

In my time I cannot recollect seeing this form RG6/1. My inquiries with people who have been in the registry for some time indicate that it may have been a blue form, which we have heard described from time to time. I have never seen one, nor have they seen one.

CHAIR: Do you mean you have never seen a blank one, let alone a completed one?

Mr MILLER: I have never seen a completed one or a blank one. This is the information that I have received, and I think it is likely to be correct. Prior to 1970, if a birth was registered that did not contain the birth father's name on it, there is no way the birth father's name could be added after the birth was registered. I understand that this was changed following some minor amendments to the Act in around 1970. In other words, if a birth that occurred in 1965 was registered and the birth father's name was omitted at the time of registration and it was later sought to be added, there was no provision for the father's name to be added. It had to be done at the time of registration. The only way it could be done at the time of registration was for the birth father to acknowledge paternity. He had to sign the form or sign the original register. I have a copy of that document here, which you may want to look at later. After 1970, if the birth father's name was omitted from the original registration there was provision for the name to be added at a later date. But, as I say, that only occurred from 1970 onwards.

CHAIR: Are you saying that it seems that the form did not exist prior to that time?

Mr MILLER: I am referring to a child who was born in 1965 and a child who was being adopted.

CHAIR: Are you assuming that women were not told, or are you saying that you know that they were not told?

Mr MILLER: I do not know that they were not told. But the experience I have is that they indicated to me that they were

not told that there was provision for the father's name to appear on the birth certificate. I also have here copies of the original form of information of birth in relation to a birth that occurred in 1974, where the mother placed the birth father's name on the form, but because he has not acknowledged paternity his name was simply ruled out and the birth is registered without the father's name on it. I have cited that case in my submission. I have also cited similar cases where the mother may have named the child on the original form, and when the original form was obtained a line has been ruled through the name and the word "unnamed" inserted. I do not know who did that; I have no evidence. All I know is that it happened.

CHAIR: With regard to those words you read to the Committee from the top of the form, what you are suggesting is that people have crossed out the father's name because he has not signed anything and therefore there is a prima facie case that he has not indicated his desire for his name to be on the form.

Mr MILLER: The form did not satisfy the legislation. I presume that when the mother completed the form and put the birth father's name in the particulars of the father, she assumed that the name would go on the form. When the form has reached the Registry of Births, Deaths and Marriages, which was the case with the law in 1996 where the parents were not married, if the father's name appeared on the form and he had not signed the form, and there was no provision up until 1996 for other than one parent to sign the form, quite simply his name was just taken off the registration and the birth was registered as a single-mother birth.

CHAIR: So it is a Catch 22 situation? There is no provision on the form for him to sign, and therefore people can assume that because he has not signed, it is not legal?

Mr MILLER: That is correct, it was a Catch 22 situation.

The Hon. Dr A. CHESTERFIELD-EVANS: Is the original form always retained by the Registrar, so that in cases where the original name - either the Christian name of the child or the name of the father - has been crossed out, there is at least a record, which does not necessarily get transferred to the official register?

Mr MILLER: That is correct. It is crossed out on the original form and deleted from the registration, and the original form is then microfilmed and filed at the repository.

The Hon. H. S. TSANG: In the 1970s there was a provision for the birth father's name to be added to the registration. Does it then require the same consent from both the birth father and mother?

Mr MILLER: Both the birth father and mother must consent. The father cannot come in and say, "I am the father." If the mother disputes that, the father's name does not appear. Both of them must agree.

The Hon. H. S. TSANG: The same as before?

Mr MILLER: Yes. They then made provision for births to be added after original registration. It was a minor change.

The Hon. D. F. MOPPETT: In your submission you state that there is clear evidence that the form of information in relation to the birth was not completed by the birth mother but probably by a social worker, who simply got the mother to sign the form. Could you outline the nature of this evidence and how the Committee might obtain such evidence? Are you able to tell the Committee what the consequences of this practice might be?

Mr MILLER: I have a couple of samples, and I am happy to submit those or the details of them. They are three separate forms of information in relation to children by the same birth mother. You can see that she signed the form. In relation to one of the forms, I would indicate that she has completed the form. It is quite clear from looking at the other forms that the writing is completely different on all three forms; that the same person has not completed the forms. To further substantiate that, I can submit another form of information that has been typed on a typewriter. I think the practice in those days - and I worked in the registry back in the mid 1960s as a junior clerk - was that the hospitals accepted the responsibility and put their rubber stamp, and a lot of them typed the form out - the typewriter was still fairly new in the early 1960s - and it was then given to the mother. I am sure that that form there was not completed by the mother.

The Hon. D. F. MOPPETT: Other than signing it?

Mr MILLER: Yes, and given to her for signature. Whether they got the details and then transcribed them, I do not know. I have had mothers indicate to me that after the birth a social worker came along with the form of information of birth and it was a standard practice then to get the mother to complete the child endowment forms. Quite often they found their way to the registry with the form of information. A number of forms were completed following a birth, and the social worker then went to the mother and asked for the details and wrote them down, and said, "Look at the form and sign the form." I am sure that very few, if any, would have read that inscription, in rather small print, at the top of the form.

The Hon. D. F. MOPPETT: What are the consequences of this? I suppose they were not the only forms that were completed in that way.

Mr MILLER: I think in most cases the information as conveyed by the mother was recorded on the form in good faith and forwarded on for registration. Even where there is evidence that the father's name has been crossed out, I believe again that that was completely in good faith and more than likely - and I am making an assumption again - was probably crossed out at the point

of the registration at the Registry of Births, Deaths and Marriages simply because there was no acknowledgment of the father on the form. That is what I would assume. I cannot account for why the child's name would be crossed out and the word "unnamed" inserted. I have seen a couple of those forms, but unfortunately I do not have any samples of them. You must remember that it is three years since I worked at the registry and the documentation I have here has been obtained from files that I am currently working on or have not completed.

The Hon. D. F. MOPPETT: I am a little at a loss as to what can be inferred from this in terms of the Committee's inquiry.

Mr MILLER: That is a fair comment. I would think that it would have been reasonable for the person providing the information, the mother, to assume that the information she provided is the information that would have gone on the registration. It has been changed after she signed the form, and may have been changed quite legitimately because it did not comply with the Act, but she has gone on believing that the child was either registered in the name that she gave or the father's name appeared on the birth form. What came across to me is that when the law changed people were surprised when they got their birth certificate and subsequently made contact with their mother. They said "Why isn't my father's name on the birth certificate?" That can be rather upsetting for some people. Sometimes, because it is blank, it gives people the impression that the birth father was unknown, which is far from the case; it is just that he is not named. There is a difference between not named and unknown, but it is a little hard for some people to identify with that.

CHAIR: So basically you are saying that if the mother had filled out the form herself it would have been apparent who had crossed things out but because forms were often filled in, say, by the social worker it is impossible to tell whether they were changed before or after the mother's signature?

Mr MILLER: It certainly is impossible to tell.

CHAIR: Whereas if the mother had filled it out herself and the change was made in someone else's handwriting there might be a bit more of a presumption that it was changed later?

Mr MILLER: Yes. I guess where the father's name has been crossed out it has been done at some later stage, possibly at the point of registration. Where the child's name has been clearly written in and ruled through and unnamed I think that is highly unlikely to have occurred at the point of registry.

The Hon. D. F. MOPPETT: You would ask for another form if –

Mr MILLER: That is exactly right.

CHAIR: But a social worker could have told a woman, "You cannot put the father's name on this because we do not have his consent."

Mr MILLER: The adoptive parents had the right to change the name anyway. I do not know the practices of then but it would appear to me that some adoptive parents were probably identified even before the birth or shortly after the birth. They may have had their own name picked out. If somebody was aware that the adoptive parents were going to call the child a name other than the name nominated by the birth mother somebody may have just ruled it through. I do not know. But I think that that is unlikely to have occurred at the registry.

The Hon. D. F. MOPPETT: Your submission states that the birth mothers have always been entitled to a copy of the general birth certificate subject to the approval of the director-general of the Department of Community Services. Are you aware of whether birth mothers were informed of this right and do you recollect whether many mothers exercised that right?

Mr MILLER: No, I am not aware of whether birth mothers were informed of this right. I cannot recollect anybody ever specifically telling me that she was told that she was always entitled to a copy of the original birth certificate. Most have said, "I did not know that I was able to get one." Whether they were not told or whether they had to be legally told I do not know. But their claim to me was that they were never told. They have always been entitled to it by virtue of an approval by the director-general of the Department of Community Services. I was surprised by the figure of a thousand but I accept that figure because it cannot be disputed. It is on a file at the registry. Every mother who was issued with a copy of the original birth certificate is recorded on a file. So that figure could be easily checked. It just surprises me, that is all.

The Hon. D. F. MOPPETT: It is not a matter of course. We want to be quite clear about this. It is not that on discharge from the hospital the mother is given a receipt and given the form. She has to apply and get the approval of the director of the department?

Mr MILLER: No. There is a period between the registration of the birth and the adoption being granted through the courts, which may be many months. In that period the mother would have been entitled to a copy of the birth certificate in any case because at that stage the birth was not subject to an adoption, and as the mother of the child that person was entitled to a copy of that certificate. But I doubt whether anybody ever got that. It is interesting that on the form of information there is a statement that says - again, it is probably a little misleading - "A certified copy or extract will be issued after registration upon payment of the prescribed fee". It is written down the side of the page and very few people would have known that. But a copy was obtainable.

I would like to take this opportunity to make the point - this was highlighted when the Act came into being in 1991 - that even if mothers who relinquished a child for adoption signed a consent form and filled in everything properly the child might not

even have been legally adopted, for whatever reason. I know of mothers who waited until 1991 to apply for the child's amended birth certificate only to find that the child was never adopted. They were always entitled to a copy of the birth certificate because their name appeared on it. Maybe those children were placed with a foster family with the intention of adoption but the adoption never legally took place and they were regarded as fostered people. The mother was always entitled to a copy of that birth certificate. What usually happened was that the foster parents, by way of legislation, changed the surname of the child to their name. They usually did that many years after. I have a case here of a child's name being changed on the birth certificate at 17 years of age.

The Hon. D. F. MOPPETT: By a deed poll type thing?

Mr MILLER: Yes.

The Hon. D. F. MOPPETT: Can you provide us with an estimate of the number of such assumed but not completed adoptions?

Mr MILLER: No. I encountered probably half a dozen in the first few months of the legislation. It is hard to say. Unless somebody comes to you, you do not know. It is no different from the case of a child that was placed with a family for fostering with no intention of adoption. By looking at the birth registration you cannot tell whether there was ever any intention of that child being adopted. It is just impossible to tell. It is only from the experience of people coming forward.

The Hon. D. F. MOPPETT: Yes, we have been told in previous inquiries that the registrar is only there as the recorder of information.

Mr MILLER: People go through the process and pay their \$130 or whatever it was only to find that they could have had the birth certificate for the last 18 or 20 years for \$26.

The Hon. D. F. MOPPETT: And had a different relationship with their child.

Mr MILLER: That is right. The ironic part was that because the child was not adopted, if it was a female child they were not entitled to do a marriage search because it is against the access policy of the registry. So they were the difficulties that we faced. We referred a couple to the department and under Outreach the staff simply could not tell the mother there was nothing that could be done for her. We had to go through an added process that no provision was made for in the Adoption Information Act.

The Hon. D. F. MOPPETT: On the basis of your experience in assisting birth parents to find their children can you recommend any changes to current processes for providing information which could assist birth parents who have not yet been successful in making contact with their children?

Mr MILLER: While I was Deputy Registrar of Births Deaths and Marriages I had certain provisions under the Registration of Births, Deaths and Marriages Act in that I could issue, legally, any birth certificate of any person to any other person provided that person paid the fee and satisfied me as to the reason the certificate was wanted. That meant that I could give someone someone else's birth certificate. I did not do that because of privacy provisions. I still have many cases on my books of a mother trying to find a son or daughter and simply not being able to do so. I believe that the Government could do so much more. Let me take the case of a mother who relinquished a girl and now cannot find her. Maybe the girl's adoptive parents are deceased. The girl may be in a de facto relationship and because there is no paper entry of that and she has not given birth to any children she cannot be found. But she might be out there. But there may be an adopted brother or a sister or a relative of the adoptive mother. The Government could do so much more fairly simply in not providing that information to the mother but to do the searches as I did and then pass on the information to an accredited agency for follow-up. Someone could be approached in a discreet manner. That is one area in which something could be done.

There is a slow movement toward doing that. There has been some movement at the registry this year. But my concern is that over the last eight years the Adoption Information Act has been strictly enforced. There is a need for flexibility. I respect a person's right to privacy, as I said in my submission. But the evidence that I have is that if I could not find a person and I used access to the records to find some other relative and an approach was made - without disclosing the reason for the approach; you had to be very diplomatic in doing that - subsequently the person could be found or information invaluable to the client could be found. However, if contact was made with relatives and they did not want the matter pursued you had to respect that. And that is the way it happened. But the evidence clearly showed in the stats that I have that where I have sought access through somebody else in 90 cases out of a hundred they would proceed and there would be contact and an ongoing relationship. I believe that more could still be done.

The Hon. Dr A. CHESTERFIELD-EVANS: Somebody who understood the system and recognised the limitations such as a deputy registrar could suggest that a person inquiring go to a neutral respectable third broker such as the Salvation Army or an adoption agency. I would not suggest that you or anyone else did that but it might be a way of effectively getting around the legislation.

Mr MILLER: I take your point. But the information is given to that accredited agency on the basis that the information is not given to the client until it is established that contact is wanted. I have used information to obtain details on behalf of a client only to find that I cannot find the adopted son or daughter but I can find another adopted brother who has no interest with the birth and does not want any further contact. Unfortunately, then I have to go back to the client and say, "I cannot give you any information." The same would apply to the accredited agency. If it was given to the Post Adoption Research Centre, ISS or the

Salvation Army and they made the contact and it was indicated that contact was not desired I have the confidence that that organisation would not pass the information over to the client, because if it did it would lose its accreditation, and it would not want to do that.

The Hon. Dr A. CHESTERFIELD-EVANS: I think you are saying that there is a case in which the registrar or the staff of the Registrar-General's office cannot give information and they probably then cannot give information which would allow the information to be found out, so if you cannot give somebody's name you cannot give their brother's name, presumably?

Mr MILLER: You cannot give it to the client.

The Hon. Dr A. CHESTERFIELD-EVANS: No, but you give it to an agency on the assumption that the agency can proactively approach both sides.

Mr MILLER: Legally you can give it to the client but policy dictates that you do not. I think we all agree with that policy. Otherwise you would have an open register. The Committee has already been through that. It was thrown out. What I am saying is that the information may be given to an accredited agency for follow-up. That is happening right now, today. It may have taken the registry a while to do it but now it is passing information over to the Post Adoption Research Centre. The registry might say, "This client is trying to find a mother, son or daughter. We cannot find them but we have found another relative. Will you make contact with them and see if you can take it further?" That is happening today. If the centre makes contact with the other person and that person will not pass on any further information or does not want any further contact the agency does not pass the information over to the client.

The Hon. Dr A. CHESTERFIELD-EVANS: When you were doing this interim job which is now taken over by the Salvation Army the it was performing that function, was it?

Mr MILLER: No. I could not relate any information to a client, irrespective of -

The Hon. Dr A. CHESTERFIELD-EVANS: But you are not saying to a client; you are saying it to an accredited agency.

Mr MILLER: I had to pass everything I found through to the registry and the registry would then determine what action followed from there. I could do all the searching. I could search for people the subject of not only adoption or fostering but simple family breakdown. I make the point again that we have concentrated on trying to reunite families separated by adoption and now we have fostering. But there are a lot of people out there who have been separated from their family with no government intervention. There is no provision whatsoever for them. They have been left with their mother's sister or their mother's brother and they have no rights. It is only now that they are starting to do something about that by way of passing information over to the Red Cross or the Salvation Army through their family tracing unit. I know that it is off the point but there seems to be -

The Hon. Dr A. CHESTERFIELD-EVANS: If we were trying to unite families as a point of social policy in New South Wales this would be a good place to start, is that what you are saying?

Mr MILLER: I believe that we could do so much more for family reunification so easily and so simply and at the same time respecting a person's right to privacy. That is paramount and always has been in my book.

The Hon. H. S. TSANG: The Committee has received several submissions from mothers suffering as a result of contact vetoes. Can you suggest any improvements to the contact veto system that may assist birth parents who are suffering distress as a result of long-term contact vetoes.

Mr MILLER: I can. As far as I am aware, and I do not think it has been changed, legislation provides that once the veto has been lodged and the lodger of the veto has been advised that an application has been made, that is where it stays. My understanding is that the Act allows for the director-general to make an approach to the lodger of the veto after the expiration of six months from the lodgment of the veto. I am sure there are vetoes that have existed for eight years and that people may not be aware if they make an approach to the director-general that person can then make a further approach to the lodger of the veto to see whether they still want the veto to be in place.

The original legislation allowed for the veto system to expire I believe in 2000 and something, and that was changed in the review by the Law Reform Commission and vetoes are now indefinite. Vetoes are not as prevalent now. Shortly after the introduction of the Act there were many vetoes. If I remember correctly, 307 vetoes were lodged before the Act came into being. Of those 307 vetoes about 35 people on day one were the original applicants the subject of a veto. My concern is that very few of those 35 people were given an opportunity to write a letter, as is now the case. You get an opportunity to leave a letter with the Department of Community Services which writes to the lodger of the veto and says, "If you are interested, we have a letter here from the person who has applied, and if you want that letter you have only to apply for it."

I am certain that the majority of those 35 people did not get that opportunity. I have suggested that they be given that opportunity, at that has not been met. There needs to be some follow-up by the department. Again, to my knowledge, the department has not done any sort of follow-up from those original tours of New South Wales and metropolitan areas eight years. I did a radio interview in September last year and within half an hour of that interview a mother who had lodged a veto rang me and said, "That prompted me to withdraw the veto. How do I do it?" If there was more involvement by the Government, people were made aware of more information meetings - go to Bathurst, Wagga Wagga and Tamworth - and were given the opportunity,

I believe we could do more.

People were asked to sign the undertaking that they would not make contact. I do not know what advice they are getting. I have no idea. I know the advice I gave them, and I tried to make it as easy as possible. Sometimes people lodged a veto so that they can control the contact. We have since had the introduction of the advanced notice system, which certainly has been an advantage. I feel that a lot of the problems we have now are because of those early days of adoption information when everybody, myself included, was unsure of how things would work. I must be honest, I did not believe the contact veto system would work anywhere near as effective as I believe it has. Sure, there have been breaches, but the people I speak to respect the veto. I am dealing now with people the subject of vetoes.

The Hon. D. F. MOPPETT: Would you care to give the Committee a numerical estimate, based on your experience? The argument was always that in New South Wales, as distinct from other States, the veto was registered but information as to the person's name was available and it did not require much effort if the person was determined to find the relinquishing mother or whoever; they had at least a starting point with the person's name. That was almost certain to lead to contact if the person was determined. But you are suggesting that in most cases people respect the veto registration?

Mr MILLER: I have spoken to only one person who threatened to breach the veto. I immediately notified the department, and that was some time ago. The last time I had contact, that veto was not breached. The veto system can defeat itself. I had a case where twins were relinquished by the mother and adopted by the same adoptive parents. When they turned 18 one lodged the veto, one did not lodge the veto. The birth mother is entitled to make contact with one and not the other, yet they were only 19 years of age and lived in the same house. That caused some difficulty, but it was legal. The sooner we get uniform adoption legislation in Australia the better. I have a case where one guy was fortunate to find his mother because she was born in Victoria. In Victoria you get a full copy of the birth certificate, unlike in New South Wales when you get only an extract. If his mother had been born in Sydney he would never have found her. She was born in Melbourne, he got the birth certificate in Melbourne, which showed the parents' names, contacted the grandfather, who in turn put him in touch with his mother.

The Hon. D. F. MOPPETT: Basically the veto is something to act as a provision to deal with those who were affected by the amended birth certificate regime?

Mr MILLER: Yes.

The Hon. D. F. MOPPETT: Since the Adoption Information Act one would say that at some point in time even the concept of a veto would be outmoded.

Mr MILLER: I think the veto has very limited time left. I do not believe there will be a need for people to lodge a veto in the future.

The Hon. D. F. MOPPETT: That is right. It will have no realm. I suggest to you, and I am sure you are familiar with it, that the normal curve would suggest that in the first five years there would be fairly intense activity and as you get more remote from 1990 and 1991 the number of people interested who suddenly change their minds - those who said, "Look, it was all in the past, I don't want to have anything to do with it" - would be getting pretty thin?

Mr MILLER: That is right. To answer the question simply, any birth mother that has been the recipient of a veto would do one of two things: if they have not had the opportunity to leave a letter, they should approach the department and be given that opportunity and at the same time ask the director-general to make a further approach if they have not exercised that six-month period to make an approach. It may make things easier. At least it might give them some hope. The situation eight years ago may have been that the adopted person was too young or was not ready for contact. Many adoptees out of respect for their adoptive parents say, "I'm not going to do anything now, but if anything happens I'll do it." In many cases the adoptive parents are almost a generation older than the birth parents. They are the sorts of things that can happen. I believe we can do so much more.

CHAIR: But surely anyone in that situation would withdraw the veto?

Mr MILLER: I am sorry?

CHAIR: In those cases you are talking about the people chose, because of their concern for other people, to lodge a veto. If that were the case, they could withdraw the veto.

Mr MILLER: Yes, they can withdraw the veto, but people need to be reminded to do things. It is like anything. I have been reading an article in a paper and somebody has said, "I've been going to do this for four or five years. I saw that article, I heard that interview, now I'm going to do it." They need to be reminded and that is why I think the Government could run some small information programs not only in Sydney but elsewhere.

The Hon. H. S. TSANG: Can you suggest any other measures that may assist birth parents and others suffering distress as a result of past adoption practices?

Mr MILLER: I would love to be given the opportunity to work back in the area and I think many organisations would welcome that. The problem is not with politicians but with bureaucrats. I draw the Committee's attention to recommendations by the Law Reform Commission back in 1992 when it recommended a particular regulation be amended as it prevented the registry issuing full copies because it disclosed the address of maybe the informant on a death certificate. The Law Reform Commission

recommended that that be scrapped. I doubt whether any Minister has even been aware of that recommendation, but some bureaucrat felt that was not appropriate. I believe that if politicians that make the decisions were aware of the problems out there, we might get some changes. But, unfortunately, you cannot get past the bureaucrats. I noticed that more so from 1996 when I was on the other side.

The Hon. Dr A. CHESTERFIELD-EVANS: Can you give us a list of what you believe should be changed and we will see how we go?

Mr MILLER: I most certainly could.

The Hon. Dr A. CHESTERFIELD-EVANS: That would be a good start because there is a huge amount of regulations and legislation and we do not know where to start. It is all very well to start with fine sounding phrases and rhetoric, but that has to be turned into action.

CHAIR: We have been given many suggestions, and we would like yours also.

Mr MILLER: I was asked to do that during that inquiry, but it was thrown out the window. I am happy to give that to you people.

CHAIR: We have been asked to check one thing. If the father's name was included originally, would the father then have had to have signed the consent for adoption and would the father then have had any rights with revocation?

Mr MILLER: I am afraid I cannot answer that question.

CHAIR: We will check that with the legislation, previous regulations and so on. From talking to you on the last occasion the Committee would be willing to receive extra thoughts from you, and would be grateful to receive those copies about which you spoke. It will have to blank out names but perhaps we can discuss that and determine the best way to access the practice without having the names.

Mr MILLER: I am happy to do that.

(The witness withdrew)