



Personal submission of Ms. Lizzy Brew

## **SENATE INQUIRY INTO COMMONWEALTH CONTRIBUTION TO FORMER FORCED ADOPTION POLICIES AND PRACTICES**

### **TERMS OF REFERENCE**

- (a) the role, if any, of the Commonwealth Government, its policies and practices in contributing to forced adoptions

*In relation to adoption, the question needs to be asked: in what other period in the history of mankind, did young mothers defy human nature and "willingly" give away their own newborns en masse to strangers?*

*-- Diane Wellfare*

## STATEMENT OF A WITNESS<sup>1</sup>

On the 4th day of February 2011, I, Elizabeth Margaret Brew (nee Howard) of (.  
..)  
New South Wales, say on oath: I believe that the  
information contained in this statement is true.

As citizens of the Commonwealth, my son (...) (the name I  
gave him) and I have an inalienable right to protection under the Australian  
Constitution and its Common Law. As such, it is the duty of the Commonwealth  
to defend us from unlawful and harmful actions that threaten our right to life,  
liberty and justice both from without and within the borders of Australia.  
Specifically, we have a right to be defended against those who would usurp our  
parental rights and those who would kidnap us.

Instead, we suffered separation due to an illegal adoption racket the knowledge  
of which – on the part of Australian federal and state governments and their  
endorsed institutions – was *a priori* across decades (please refer to Origins Inc  
submission titled, Australian History Timeline of Adoption as well as principal  
submissions of Origins).

### **Who stole my baby?**

I became pregnant in 1975, learning in 2010 that I was admitted to St  
Anthony's Home for Unmarried Mothers on the (...) **April 1975** (Attachment 1  
is a true copy of an admission card held in the archives of the Josephites). I do  
not know to this day, who marked my son for adoption on the (**April 1975**).

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<sup>1</sup> Sections of this submission are italicized to indicate quotes from the affidavit of Dian Wellfare,  
which have been adapted to the following with permission.

## St Anthony's Home for Unmarried Mothers



In 2008, when I accessed St Anthony's History Book (online), I first learned that the mission of its administrators had been 'the safeguarding of the good name and reputation of highly respectable families.'<sup>2</sup> Personally, I cared little about "what people would say", in 1975, when I arrived home from hospital anxious to relate to my paternal grandmother that I had given birth to my firstborn, a son.

The objective of hiding a pregnancy, I would clearly see in hindsight, was at odds with adoption as an option, implying the preclusion of knowledge that a child has been born; Saint Anthony's History Book relates that the administrators of St Anthony's could return resident unwed mothers to their parents 'without the slightest danger of their situation being revealed.'<sup>3</sup> (St Anthony's History Book has been submitted to this Inquiry for reference)

The Australian Women's Register records:

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<sup>2</sup> K. Burford, Saint Anthony's History Book, 1989, extracted August, 2008, from  
<<http://www.safc.org.au/SAHistory.html>>

<sup>3</sup> *ibid*

Saint Margaret's Hospital, known initially as St Margaret's Maternity Home, was founded by Gertrude Abbott in 1893. Located in Elizabeth Street in Strawberry Hills **it was founded to provide shelter and care for unmarried girls of the comparatively respectable class**. In 1904 the hospital started an outpatients service, and in 1910 St Margaret's Hospital for Women moved to its final location on Bourke Street in Surry Hills. The work of the maternity hospital and midwifery training was continued from this base until 1998. At its peak, St Margaret's was the third largest maternity hospital in Sydney. The site was continually extended and rebuilt and specialist services and training courses added, including obstetric and gynaecology training of doctors...St. Margaret's Public Hospital closed in June 1993, followed by the closure of the Private Hospital in June 1998.

The administrators of St Anthony's inherited a mission to facilitate adoption as a measure to avoid public knowledge, with a long history of taking in shamed, unwed mothers.

I was affronted in 2010 when I learned that the Catholic Adoption Agency (CAA) had considered St Margaret's Hospital for Women (in Darlinghurst, NSW, where, as a resident of St Anthony's, I spent my confinement) to be a "major source of babies for adoption."<sup>4</sup>

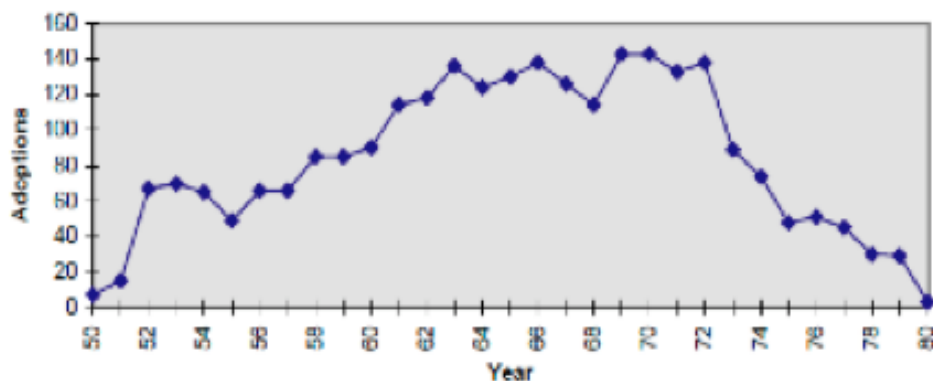
*In that article titled "Adoption in the 80s", Social worker Mrs (...) officer of the Catholic Adoption Agency in 1975 (the year my son was taken for adoption) considered the moral offence of "illegitimacy and ex-nuptial pregnancy" – "sources of disgrace and scandal" – to be a "problem" for which "Adoption" (implying at that time, destigmatization through sealed records and secrecy) was "a neat solution providing at the same time for the needs of infertile couples."<sup>5</sup>*

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<sup>4</sup> M. McDonald, "Adoption in the 80s", extracted 28<sup>th</sup> December from <<http://www.originsnsw.com/id42.html>>

<sup>5</sup> <http://www.originsnsw.com/id42.html>

The expressed objectives of the (CAA) – sourcing babies for childless, married couples – apparently were well served from out of St Anthony’s from 1967, as the following chart suggests:



Showing numbers of babies taken for adoption peaked 1968 - 1972

Extracted from 'Heeding the Voices' by Antoinette Baldwin

Burford records that in 1972, 'the number of adoptions (sic) at St Anthony's arranged through the Catholic Adoption Agency amounted to 300, which approximated closely to the number of single pregnant women accommodated there during that year.'<sup>6</sup>

Incidentally, during an oral submission to the Law Reform Commission regarding the opening of records, on the 13<sup>th</sup> April 1992 Mrs. (...)

contradicted her former stance on Adoption as a means to destigmatize, when she stated, in regard to the release of identifying information, that: 'One thing that must be counted as a major gain has been the destigmatising effect of the legislation. The birthmother who says I've been able to join the human race, and the young man who has always with shame concealed his adoption but who reports now that he is able to talk about it with his friends would both attest to this.' (Attachment 8A is a true copy of a transcript of that oral submission of Mrs. (...) to the Law Reform Commission)

<sup>6</sup> ibid

## **Regarding evidence of pressure applied to unwed mothers by Social workers operating out of St Anthony's after 1967**

According to Burford, 'unnecessary peer pressure by those keeping the child (being) exerted on those adopting' was 'the reason against admitting in the one Home, only those who decide to keep the baby and those who seriously contemplate adoption.' Burford notes that there was objection, when the latter idea was first suggested as 'the most common opinion among professional social workers.'<sup>7</sup>

In regarding the same, the Final Report of the NSW Parliamentary Inquiry into Past Adoption Practices, 2000, titled 'Releasing the Past', conveyed that:

Up until the mid 1980s, access to St Anthony's was primarily given to mothers who wished to have their babies adopted...in hindsight...it is possible that the assumption that the baby would be adopted was that of the family, and not necessarily what the young pregnant woman wanted.<sup>8</sup>

The latter statement is misleading at best, as Social workers were not permitted to assume that a given child was available for adoption. In fact, from 1958 they were positively informed that they were not legally permitted to approach a mother to suggest adoption, as per the NSW Child Welfare manual of adoption practice:

Only when the mother still **INSISTS** does the department's officer prepare a form of surrender. This form must be witnessed by a Justice of the Peace who in turn must furnish an affidavit to the effect that the instrument of consent

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<sup>7</sup> K. Burford, Saint Anthony's History Book, 1989, extracted, August, 2008, from <http://www.safc.org.au/SAHistory.html>

<sup>8</sup> "Releasing the Past", p. 84, Retrieved March 4, 2011, from [http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/56e4e53dfa16a023ca256cfd002a63bc/\\$FILE/Report.PDF](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/56e4e53dfa16a023ca256cfd002a63bc/$FILE/Report.PDF)

was read and explained to the mother and in the belief of the Justice was understood by the mother.<sup>9</sup>

In his submission to the Standing Committee on Social Issues for the NSW Parliamentary Inquiry into past adoption practices, Dr G Rickarby noted:

It is salient that no mother went to the professional's office to say that she was ready to give consent. The professional went to her bedside and indicated it was time for the routine signing of the papers. This was described to me scores of times as being put in a manner that there was only one inevitable answer: "Yes".<sup>10</sup>

According to (a), (b) and (c) of section 31 of the Adoption of Children Act 1965, regarding defective consents:

The Court may refuse to make an adoption order in reliance on a consent given or purporting to have been given by a person (other than the child) if it appears to the Court that:

- (a) the consent was not given in accordance with this Act,
- (b) the consent was obtained by fraud, duress or other improper means,
- (c) the instrument of consent has been altered in a material particular without authority; or
- (d) the person giving or purporting to give the consent was not, at the time the instrument of consent was signed, in a fit condition to give the consent or did not understand the nature of the consent.<sup>11</sup>

## **The history-taking interview**

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<sup>9</sup> The Senate Affairs Reference Committee has a copy of this document

<sup>10</sup> Origins Canada, Retrieved March 3, 2011, from

<http://www.originscanada.org/adoption-trauma-to-mothers-dr-geoff-rickarbys-testimony-to-the-new-south-wales-parliamentary-inquiry/>

<sup>11</sup> Adoption of Children Act 1965, Retrieved March 3, 2011, from

<http://www.legislation.nsw.gov.au/fullhtml/inforce/act+23+1965+cd+0+Y>



Why, by whom and on whose behalf was my son marked for removal at birth, while *in utero*, the day after my arrival at St Anthony's – some four months before I was solicited by a Social worker to place him for adoption? Why was it necessary to record my wishes at all, in regard to adoption, if the marking of my antenatal chart with the code "BFA" would mean that:

- my son would be removed at birth without my knowledge or consent, and without legal authority;
- that my responsibilities for his welfare would be usurped from his birth;
- that my access to my son would be restricted?

I can only conclude in considering my rights as a citizen of the Commonwealth, that this unsolicited interview was conducted in order to 'doctor' records.<sup>12</sup>

Four months after my son was marked for removal at birth, on the **28<sup>th</sup> July 1975**, Social worker for the CAA Miss (...), took a background history of my family for the purpose of arranging my then unborn son's adoption at birth into the family of a childless married couple.

This was against the expressed will of my parents – that the decision re. adoption should be mine (as recorded by Miss (...) – a quasi-legal officer of the Adoption of Children Act 1965, in 1975 – regardless that it was not the right of my parents nor Miss (...) to grant me; I was an emancipated minor once I had given my son birth). (Attachment 3A is a true copy of a form noting that Miss (...) interviewed me at St Anthony's in order to extract a history from me).

The social record that corresponds to that unsolicited, history-taking interview states that: **'Parents are leaving the decision re. Adoption to her, but she knows they want her to have b. adopted...she can't accept (adoption).'** Would Miss

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<sup>12</sup> 'Doctor': 'to change the content or appearance of a document in order to deceive,' Oxford American Dictionaries

(...) have been likely to state the opposite should it have been true – that parents are *not* leaving the decision re. adoption to her? No, as Miss (...) would have been well aware that the Adoption of Children Act 1965 strictly forbade coercion of any kind. (Attachment 3 is a true copy of the notes taken by Miss (...) at the history-taking interview of the 28th July 1975)

The following extract from the Final Report of the NSW Parliamentary Inquiry into Past Adoption Practices, should now be viewed as evidence of the collusion of the State of NSW and its endorsed, unlawful adoption institutions:

Up until the mid 1980s, access to St Anthony's was primarily given to mothers who wished to have their babies adopted...in hindsight...it is possible that the assumption that the baby would be adopted was that of the family, and not necessarily what the young pregnant woman wanted.<sup>1</sup>

### **Regarding my confinement at St Margaret's**

I arrived at 8.30am at St Margaret's Women's Hospital on the (...) September 1975, where I delivered my son after nineteen hours of labour, at 11pm. A nurse then removed him to the left of the room without speaking a word to me his mother. Observing that woman with my son in her arms, I requested that she bring him to my bedside.

He was only then held up, momentarily, before being taken from the labour ward. I did not see him again until the afternoon of the (...) October 1975 – just two days before I would be asked to sign documents – nor know of his whereabouts during the intervening period of his absence.

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<sup>1</sup> "Releasing the Past", p. 84, Retrieved March 4, 2011, from [http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/56e4e53dfa16a023ca256cfd002a63bc/\\$FILE/Report.PDF](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/56e4e53dfa16a023ca256cfd002a63bc/$FILE/Report.PDF)

## **Further criminal assault – breast binding**

A true copy of a ward report notes that my breasts were bound within two hours of my son's birth. I have no memory of that first procedure, occurring prior to the (...) October 1975. Due to the absence of a drug chart in my medical record, I have been unable to verify whether my memory loss is due to trauma or sedation, as in case of many other unwed mothers. (See Attachment 10, a true copy of that Ward Report)

I distinctly recall being chastised by a nurse for loosening the breast binding because it was restricting my breathing, and that she roughly reapplied it because, as she insisted, "it should remain in place." When I removed the breast binding, my breathing eased. When the nurse reapplied it after my shower, I again became breathless. Though this pattern recurred throughout my confinement I no longer 'complained'. I also believe, in hindsight, that my breathlessness was a symptom of panic attack. (See Attachment 10, a true copy of a Ward Report noting my breathless)

At no stage was I offered breast binding as an option (an option is the act of making a decision when faced with two or more options), as I was not permitted to access and feed my son; consequently I experienced it as the forceful act it was, criminally performed upon me every four hours during my confinement. As my self-esteem was very low at that time, I found it difficult to assert myself before the mature-age professional women who unlawfully assumed positions of authority over me. And as I paced the corridor, clearly in trauma in the days following my son's birth not one of those professional women approached me to inquire if I was OK.

## **Where is my baby, I would like to see him?**

On (...) October 1975, still in significant pain due to bruising at the site of an episiotomy wound I sustained, hardly able to walk yet I approached a nurse and

said words to the effect of, "Where is my baby, I would like to see him?" The nurse then said words to the effect of, "He's downstairs in the 3rd floor nursery – you are allowed to visit him for one hour each day between 3-4pm."

On (...) October 1975 my sister (...) gave birth to a son, also at Saint Margaret's Hospital for Women in Darlinghurst, NSW. Consequently, she and I were simultaneously confined from the (...) October 1975 – (...) October 1975. My evidence in that regard is most singular, as on (...) October 1975 my sister (...) came with me to visit my son where he was located on the 3<sup>rd</sup> floor in a locked nursery. (Attachment 5 is a true copy of my sister's affidavit witnessing to the restrictions placed on me in attempting to access my son; Attachment 6 provides my mother's testimony of that restriction)

The restrictions that staff of St Margaret's placed on me in attempting to access my son, caused me to believe that my son was legally under their authority rather than mine.

At that time, I thought this restriction was due to my marital status, as I recall a primary argument presented in favour of my son's adoption being that he needed "both a mother and a father." I was being sent mixed messages all the time, between the actions and words of those who were denying my rights.

I first learned in 2009 that I was the sole legal custodian of my baby in 1975. My son's unauthorized removal by staff of St Margaret's had constituted the unlawful usurpation of my parental duties. Justice Richard Chisholm described the unauthorized removal of a child at birth as an act of 'kidnapping in a non-technical sense.'<sup>14</sup> The unauthorized keeping of a baby as inaccessible to its own mother, Justice Richard Chisholm described as false imprisonment.

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<sup>14</sup> NSW Parliamentary Inquiry into past adoption practices (1950-1998), Second Interim Report, p. 152.

I pause to highlight that the colloquialism 'forced adoption' – comprising terms of this Inquiry – is misleading because adoption is unlawful unless it observes Common law. Clearly, what I have described has nothing to do with adoption.

### **Regarding lack of patient consent form**

On the 2nd December 2009, I discovered that the copy of my medical record did not include a patient consent form. Consequently, I phoned the records department of the Prince of Wales Hospital in order to request a copy. I received a return phone call on the 10th Dec 2009, from the medico-legal manager of Randwick Campus Medical Records, (...), who informed me that there was no patient consent form in my file indicating authority to perform any operation upon me at St Margaret's Hospital, Darlinghurst, in 1975. (Attachment 15 is a true copy of letter of confirming the absence of a patient consent form in my medical record)

I had it off the record from a staff member of Randwick Campus Medical Records that such omission was unusual. Yet the affidavit of Dian Wellfare - whose child was taken for adoption from Crown Street Hospital in 1967 - gives sworn testimony to the same lack of patient consent.

*In fact, neither my parents nor I had given permission to authorize the induction of my labour, the operation of an episiotomy, the administration of Morphine and Valium, the suppression of lactation via the application of binding, nor the established and unlawful adoption procedure of Saint Margaret's Hospital according to the code "BFA" (marked on my file without my knowledge or consent).*

## **Evidence pertaining to the denial of my rights at St Margaret's Women's Hospital, as then a resident of St Anthony's Home for Unmarried Mothers**

### **The first meeting in May 1975**

*In May 1975, Miss (...) (...) Social Worker in Charge Women's Hospital Crown Street between 1964 and 1976 addressed a meeting of representatives of unmarried mother's hostels in the Sydney metropolitan region, at the Queen Victoria Hospital, admitting that "Strong but subtle pressure to have baby adopted" was used over the previous ten years. (See a copy of the minutes of that meeting in May 1975, at Attachment 16 (1 of 2))*

### **The second meeting in 1975**

The minutes of the August meeting, which was held exactly seven weeks prior to the birth of my son, contain evidence that residents of Carramar, Bethesda, Pittwood, St Anthony's, and Queen Victoria Maternity Hospital were:

- a. forbidden access to their babies prior to 1975; and
- b. denied free access / were given limited access to their babies after August 1975.

The minutes of the second meeting pertain specifically to me, as I was one of the 20 "girls" recorded as residents of St Anthony's in August 1975. (See Attachment 16, (2 of 2) a true copy of the minutes of a meeting in August 1975, of representatives of unmarried mother's hostels, held at the Queen Victoria Hospital)

My own evidence confirms the situation at b., while there will be submissions to this inquiry that will provide evidence of the situation at a. A woman who was a resident of St Anthony's prior to August 1975 (who will be making a submission to this Inquiry) contacted me recently, informing me that she had been permitted no access to the child to whom she had given birth at St Margaret's Women's Hospital in Darlinghurst.

During that meeting of the representatives of unmarried mother's hostels in the Sydney metropolitan region, which was held at the Queen Victoria Hospital in August 1975, those present:

- implied that they had a right to decide how much contact an unmarried mother should have with her baby, in discussing the trend of allowing unmarried mothers to "see" or "cuddle" or "bottle feed" their babies; and
- decided that girls should be allowed "to see it and nurse it if they wished, and this was often helpful to the girl and did not necessarily cause her to change her mind."

*The final sentence indicates that the previous practice of denying all access of the mother to her newborn child was based on a belief that if she did see her baby she would be less likely to give it up. Such an action constituted more than the promotion of adoption – an act itself forbidden by the Adoption of Children Act 1965.*

### **The consent-taking interview**

On the (...) October 1975, Miss (...) approached me in my hospital room at St Margaret's, in order to request that I follow her to a room on the left side of the 4th floor. That I was visibly upset, Miss (...) noticed when she wrote, 'Elizabeth seemed fairly sure about adoption but is finding it difficult...such a mature and thoughtful girl – seems years older than fifteen.' (Attachment 7 is a true copy of the notes taken by Miss (...) during the consent-taking interview of the 3<sup>rd</sup> October 1975)

That I was "finding it difficult" was in fact a reiteration of uncertainty on my part, though not merely uncertainty but opposition to the adoption of my child had marked my former attitude as solicited by Miss Slaytor during her first unrequited interview with me (28<sup>th</sup> July 1975) at St Anthony's when I was 32 weeks pregnant).

I was in a fragile physical and psychological state in succumbing to the request of the Social worker. I feared that I would lose my mind if I had to suffer any further pressure. I do believe that I was close to a breakdown at the time I was discharged from St Margaret's.

### **Regarding my physical and psychological health in the lead-up to the solicitation of my consent to make arrangements for the adoption of my baby son**

Between (· and (...) October 1975, a nurse recorded on my medical file, a change in lochia, from "moderate and bright" to normal. On the (...) October 1975, a nurse noted, "Breasts – sore – bind with icepacks at all times" and "Lochia bright at times WATCH!" (Attachment 8 is a true copy of the relevant Ward Report)

According to Chapter 13 of Postpartum Assessment and Nursing Care Lesson 13.1: "lochia rubra is (h)eaviest during first 1 to 2 hours after delivery...initially bright red (lochia rubra)" and of 'moderate amount' which 'lasts 1 to 3 days.'<sup>15</sup> Also: '...significant bleeding after the first few days should prompt an evaluation by your doctor.'<sup>16</sup> No such evaluation was performed on my behalf.

An online "Guide for Maternal Post Partum Physical Assessment, Anticipatory Guidance and Health Assessment" advises of the medical course of action which should be followed in such a case: '...encourage increased rest if lochia returns to rubra from serosa or alba...'<sup>17</sup>

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<sup>15</sup> Chapter 13, Postpartum Assessment and Nursing Care, retrieved 23<sup>rd</sup> February 2010 from <<http://www.coastalbend.edu/Occu/Nursing/redperil/maternal/Chapter%2013.doc>>

<sup>16</sup> Lochia, Gynob.com, retrieved 23<sup>rd</sup> February 2010 from <<http://www.gynob.com/lochia.htm>>

<sup>17</sup> Guide for Maternal Postpartum Physical Assessment, Anticipatory Guidance and Health Teaching, Retrieved 23<sup>rd</sup> February 2010 from <<http://www.vnavt.com/Guidepostpartum.htm>>



Instead of advising bed rest on my behalf (on account of abnormal, post-partum bleeding in addition to “sore” ice-packed breasts, fresh episiotomy wound and exhaustion due to a nineteen-hour labour – not to mention the emotional trauma I suffered due to being separated from my son at birth), on the (...) October 1975, Saint Margaret’s staff cared more about the objectives of the Social worker on behalf of a childless couple than me, as they permitted Miss Slaytor to harass me for consent to the adoption of my son.

To that point in time, I had been “permitted” to spend just **TWO** hours with my own baby, who someone had marked for adoption while I was still in the early phases of his gestation. I was in no condition to consent to my son’s adoption should I have wanted to, as the state of my health, both physical and psychological, was clearly very fragile.

Looking back I realize that I suffered the following symptoms of post-partum depression<sup>18</sup>, which I now realize were due to the mistreatment I received at the hands of nursing and social welfare staff while I was confined at St Margaret’s, including:

- Feeling inadequate to take care of my baby;
- feeling overwhelmed;
- anxiety or panic attacks;
- Low self-esteem;
- Social withdrawal;
- Sadness or hopelessness.

### **Regarding Form 9, titled “Request to Make Arrangements for the Adoption of a Child”**

*The copy I received of my social record in July 2004 contains a form I recall having signed, titled, “Request to make arrangements for the adoption of a*

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<sup>18</sup> [http://en.wikipedia.org/wiki/Postpartum\\_depression](http://en.wikipedia.org/wiki/Postpartum_depression)

child" (Form 9). However, I have no memory at all of having signed an adoption consent (Form 7). According to my social record, I signed both forms on the (...) October 1975.

Form 9 outlined the 30-day revocation period that had been known to me since 1975, as well as the specific time when my parental rights would cease to exist in accordance with the rules laid down by the Adoption Statute.

Form 9 titled, Request to Make Arrangements for the Adoption of a Child was signed by me and witnessed by Miss (...) (...) Form 9 outlined the rights of the mother, introduced into the Adoption Statute to ensure that she was aware of the legal consequences of signing an adoption consent in the event that she should sign one.

Form 9 was supposed to be given to the mother at least 72 hours prior to signing an adoption consent (Form 7) to ensure sufficient time to read and understand the legal consequences of signing an adoption consent. And yet both forms were given to me to sign on (...) October 1975, prior to being discharged from the hospital, causing me to sign both Forms simultaneously and after the legal wrongs had already taken place and after my rights had already been contravened. (Attached 11 & 12 are respectively a true copy of Form 9 and a form I received with my Social record in 2004, which notes that I signed an adoption consent on (...) October 1975)

While Form 9 deals with the 30-day revocation period, it clearly stated that my parental rights, including my right to see and have access to my child, ceased to exist upon the adoption of my child though, in my case, ceased immediately to exist after giving birth to my son.

*Part 5 of Form 9 clearly states the following: I understand that upon the adoption of my child:*

*a) I have no further claim on the child and have no right to see or get in touch with the child;*

*b) I have relinquished all rights as a parent.*

*Nowhere did Form 9 of the Adoption Statute state that my parental right to have access to my own child cease to exist at the moment of birth.*

*Form 9 specifically stated that my parental rights ceased to exist only upon the adoption of my child.*

*An adoption does not occur until an Adoption Order is made in the Supreme Court.*

*Until such times as an Order of Adoption is made the child could be returned to the Department if it was not suitable and replaced with one that was, and the Director General could remove the child if the interim placement proved unsatisfactory.*

*My parental rights, according to the statutory document I signed under s27 of the Adoption Statute, remained intact until the 10th September 1975, nearly 12 months after the birth of my child, when an order of adoption was made by the Supreme Court in favor of strangers (childless and married, of course) despite that I had been denied my inalienable right to freely access my own son up to that point in time. (Attachment 13 is a true copy of the Memorandum of my son's adoption order)*

*The copy of FORM 9 did not comply with the Adoption Statute. Section 4 of FORM 9 omitted the word "Order" from the explanation of the mother's right to revoke her consent within 30 days or until an Adoption 'Order' was made,*

*thereby bringing about an entirely different and ambiguous meaning to my right to revoke had I been allowed to consider it for myself as the Statute required.*

*Additionally, while the Adoption of Children Act 1965 stated that my parental rights cease to exist upon the signing of the consent (apart from the 30 day revocation period), the statutory document I signed stated otherwise. Form 9 of the Adoption of Children Act stated that my parental rights cease to exist upon the adoption of my child, as was the case under the Child Welfare Act 1939. Form 9 seems to have complied with the Child Welfare Act 1939 and not the Adoption of Children Act 1965. (Attachment 11 is a true copy of Form 9)*

*Up to the time a court Order was made, I had been deprived of my legal right of revocation within the legally permitted time frame in being led to believe that my child could only be retrieved prior to the expiration of the 30 cooling-off days when in fact he had only been placed in an interim arrangement that was not legally binding.*

And while strangers had free access to my baby son even prior to the end of the cooling-off period – from the (...) October 1975, when they collected him from Saint Anne's nursery at Saint Anthony's Home for Unmarried Mothers, I had been "allowed" to spend only six hourly periods of time with my son since his birth.

### **Regarding what Catholic Social workers knew about the illegal hospital practices in 1965**

*Ten years prior to the birth of my child, Miss (...) (...) Social Worker for the Catholic Welfare Bureau, Sydney (which became the CAA in 1967) in her article titled Unmarried Mothers stated the following (p. 112):*

*She must be free to see, nurse and/or nurture her baby, whether or not her final plan is adoption and: Many agencies in this country have punitive,*

*illegal and harmful rules regarding the unmarried mother's inalienable right to physical contact with her child, when she has decided on adoption. Some agencies refuse to allow the unmarried mother to see her child, nor do they tell her the child's sex. While this may be done from the best motives, these misguided people should look more carefully into the situation (A copy of the relevant pages from that article written by Mary (...) for the Australian Association of Social Workers National Conference 1965 can be provided upon request)*

*Four years prior to the birth of my son, in 1971 the Australian Association of Social Workers (AASW) published its Manual of Adoption Practices In New South Wales. Compiled by the Child Care Committee the Manual reiterated the recommendations made by Sister (...) in 1967 (A copy of the 'The Natural Parents' by Sister (...) can be provided upon request) when the Committee outlined the procedure that was supposed to be followed to protect the mother's rights and on page 4 declared how: "It would be morally and ethically indefensible to refuse an unmarried mother opportunity to see nurse and nurture her child if she so chooses. Parental rights should never be subjugated by hospital or institution routine." Page 5 referred to the psychological and legal implications to the mother if the consent is not properly taken.*

*Eight years prior to the birth of my child, on (...) February 1967 the Proceedings of a Seminar to proclaim the Adoption of Children Act 1965 ,made no mention of the legal rights of the natural mother or of the available alternatives that were available to her to enable her to keep her child. Miss (...) (...) had exposed the true purpose of promoting infant adoption by divulging that the Social Worker's concern was with resolving the conflicts of infertility and childlessness within marriage. Their minor concern was helping the unmarried mother accept the surrender of her child. In order to provide their service to childless couples the unmarried mother's inalienable and legal rights to her own child had to be ignored. The Seminar focused solely on newborn adoptions and*

*showed scant interest in the adoption of older children, regarding that neither the unwed and their offspring nor the childless married couple define family:*

*The Social workers concern is with childlessness or infertility, but the particular area of competence is, not in it's treatment, but in assessment or resolution of the effects on the marital relationship of the couple...The ultimate objective of Adoption is such a planned change, through helping to make a family where before one did not exist...But before the placement can be made there are other minor or contributory changes in the social functioning of various individuals where the social worker's part is well defined...and that is...The natural parents must resolve, if possible, conflicts about the surrender of the child. ( ... ) ( ... ) spokesperson for the Australian Association of Social Workers, 1967)*

*All three publications, written in 1965, 1967, and reiterated in 1971, are material evidence to show that members of the Australian Association of Social Workers (AASW) employed within the adoption profession as hospital Almoners/Social Workers whose responsibility was to counsel the mother prior to birth on her available options other than adoption, and to warn the mother of the potential risk of grievous future regret if her decision was adoption, were aware that the practice of preventing the mother from seeing and having access to her child prior to signing an adoption consent, was in breach of the mother's parental rights.*

*In 1976, during the First National Conference on Adoption, organized by the Standing Committee on Adoption and Social Issues, and headed by ( ... ) ( ... ) , ( ... ) Catholic Social Welfare Commission (NSW) reiterated the same warning his colleague, Social Worker ( ... ) ( ... ) had made a decade earlier about protecting the mother's rights, when he presented his paper title Decisions About Adoption: Uses And Abuses Of The System:*

*She is powerless and particularly vulnerable to abuse, and that abuse is not an uncommon feature. She has, for example, the same rights as any*

*other patient in a hospital. She has the right to be told what has been prepared for her by way of physical and medical treatment, and she has the same right as any other patient to refuse such treatment. She has the right to name her child and the right to see her child with no more restrictions than any other patient in the hospital, and even those restrictions are subject to her final decision. She can sign herself out of the hospital as can any other patient not subject to a committal for psychiatric reasons. She has the right to see anyone she wishes, including the putative father, and he has the right to see the child as much as any other father has the right. Many of these rights are not being recognised, apparently on the grounds that restrictions are in the interest of the mother or her child. Not only is there no evidence to support restrictions on such grounds but there is an abundance of evidence that this type of repression is damaging to mother and child and can seriously jeopardise the realism of the decision that the mother is endeavouring to make about whether or not she should surrender her child. (A copy of this presentation can be provided upon request)*

*Sixteen years prior to the birth of my child, presented in 1959 and published in 1960, the Medical Journal of Australia published a paper by Dr (...) titled the Fetherston Lecture in which Dr. (...) reiterated the need to punish the unmarried mother. While (...) words served as a warning of what was to come as a result of that demand for babies, (...) had instead invited the medical profession to ignore the law when it came to adoption when he announced that, "The last thing the obstetrician might concern himself with is the law in regard to adoption." Dr (...) had instigated the involvement of the medical profession into the adoption process by referring to it as "social medicine" and by his promotion of infant adoption at all costs by the medical profession, based on his eugenics mindset that believed the unmarried mother and her child were of bad genes and the mother should be punished by being removed from the "parenting club" and recommended that they be deprived of their rights. (A copy of the Fetherston Memorial Lecture has been provided to the committee of this Inquiry)*

*In her book titled the Many Sided Triangle: Adoption in Australia, prefaced by Justice Richard Chisholm, Mrs (...) and co-author Mrs (...) (...) who together had 70 years of adoption experience between them, provided the link between the recommendations of Dr (...) and the Catholic Adoption Agency's unauthorized adoption policy when the authors acknowledged on page 3 of their book that the views of the author of the Fetherston Lecture were shared by professional workers in the health and welfare systems which administered the policies relating to adoption. (A copy of The Many Sided Triangle referring to the Fetherston lecture can be provided upon request)*

### **Subject of "BFA" on the day of consent**

When Miss (...) approached me on the (...) October 1975, I was under continuing subjection to St Margaret's unlawful hospital policy as codified ("arrange according to a plan or system", Oxford American Dictionaries) by "BFA" (Baby for Adoption). (Attachment 9 and 10 are true copies of hospital records showing my son's and my respective location apart from each other from his birth)

*Miss (...) (...) would have been well aware that any practice of forbidding me from having access to my own child prior to an adoption order being made in the court, constituted a breach of both my common law parental rights and the Adoption Statute, on the 3<sup>rd</sup> October 1975 when she witnessed my signature on the adoption consent Forms on behalf of a childless, married couple.*

**As I put pen to adoption contract (which my social record states I signed on the (...) October 1975)...I HAD NO RESPONSIBILITIES TO SIGN AWAY...they had already been taken from me at the moment of my son's birth.**

*Miss (...) (...) failed in her duty of care, and her statutory duty, towards me as she failed to ensure that my consent was not being obtained by fraud,*



*duress or other improper means, when she induced me to sign a document of adoption consent. Miss (...) (...) failed to advise me that I was being treated in breach of my rights by being refused the same right to access my own child as other mothers, before she obtained my consent and an adoption order was made in the Court.*

*By failing to inform me of my rights and by failing to provide me with a copy of Form 9 which had outlined my parental rights including my right to know when my parental rights ceased to exist, Miss (...) (...) concealed from me almost all knowledge of my rights and in so doing concealed my right of action to bring a claim within the provisions of the Limitations Act when my right to bring a claim was still sustainable.*

*Employees of the Catholic Adoption Agency, as fully trained Social Workers, had a statutory responsibility to comply with the Adoption Statute and to protect my rights by ensuring that my consent to the adoption of my child was not obtained by fraud, duress, undue influence, restraint or any other improper means, when taking consents.*

*As the point at which my parental rights were to be extinguished in accordance with the provisions of the Adoption Statute was outlined on Para 5 of Form 9, the Catholic Adoption Agency would have known that its established adoption procedure carried out by medical and nursing staff employed at the Saint Margaret's Hospital, and elsewhere – which denied me the same access to my own child as other mothers before an adoption order was made in the Supreme Court – was in breach of the Adoption Statute as well as my parental rights, was ultra vires and would not have been authorized.*

**Regarding knowledge of the illegal practices by principal acting officer of the CAA in 1975 – the year my son was taken for adoption**

*In 1976 the New South Wales Adoption Legislation Review Committee released the (...) Report. The following is the preamble to the same:*

*In the early 1960's the view was commonly held that it was in the mother's interest that she not see the child she was planning to surrender for adoption, and policies were thus followed which prevented her seeing the child. The hospitals themselves did not doubt that they had a legal right to adopt such policies which were rarely questioned by the staff and by the mothers themselves. A single mother whatever her age is the sole legal guardian of her child and remains so until a consent to adoption is signed. She therefore has the rights of access to her child and cannot legally be denied this. An adoption consent may be proved invalid under the terms of the Adoption of Children Act, 1965 (section 31 (b) if the mother has been subject to duress or undue influence. Refusing the mother permission to see or handle her child prior to signing the consent, or putting obstacles in the way of her asserting this right, may readily be interpreted as duress if the validity of an adoption consent is being contested. One challenge to the validity of a consent on these grounds has already been heard in the New South Wales Supreme Court. In the same context any comments or actions by staff members which the mother could see as pressure to persuade her to place her baby for adoption run the risk of later bearing the legal interpretation of duress.*

*The purpose of that Committee was "To inquire and report on what changes are necessary to the law on adoption."*

*Although it had always been an offence under the Adoption of Children Act 1965, those professionals employed by the Catholic Adoption Agency who were members of the McLelland Committee declared that "It is now an offence for a person to exercise undue influence or restraint to persuade a person to consent to adoption" - citing s57 of the Adoption of Children Act 1965.*

*The McLelland Report had also admitted that the true purpose of the Adoption of Children Act was based on the premise that a couple not unsuitable to adopt had an inalienable right to a child when their name on the adoption register came up.*

*The Committee had also acknowledged its own professional negligence in having conducted very little research into the field of adoption although paradoxically the Department had provided one of the largest adoption services in the world. It was various members of the (...) Committee, and more specifically Mrs. (...) (...) ( (...) social worker of the Catholic Adoption Agency in 1975) who were instrumental in the process of putting an end to those illegal hospital procedures by drafting up the Health Commission Policy Circular on Adoption File No.1081 one year later in 1977.*

*The NSW Standing Committee on Adoption and Social Services was established in 1967 with the introduction of the Adoption of Children Act 1965. The Committee comprised of representatives of the Department of Child Welfare Adoptions Branch, members of the Australian Association of Social Workers, representatives of private adoption agencies, a member of the medical profession, and members of adoptive parent organizations.*

*Under the new chairmanship of Mrs. (...) from 1976, and in collaboration with the N.S.W. Obstetrics Committee, the NSW Standing Committee on Adoption and Social Services drafted the NSW Health Commission Policy Circular 1081 in 1977. The paper presented by Mrs (...) at that conference is titled *Has Adoption A Future?**

*In 1978, the NSW Standing Committee on Adoption and Social Services then presented that draft policy circular to the Health Commission who waited four years to distribute it to all hospitals within NSW on the 1st September 1982.*

*The Health Commission distributed its Policy Circular to warn all medical staff that the practice of preventing unmarried mothers from seeing their babies, or putting obstacles in their way of asserting that right prior to a consent being signed was in breach of the Adoption of Children Act 1965 on mental health or legal grounds as well as being in breach of the mother's common law rights as a parent.*

*That same Policy Circular had identified the practice of preventing the natural mother from seeing her child or putting obstacles in her way of exerting that right as constituting a breach of s31 (b) of the Adoption of Children Act 1965 and therefore had defined those established hospital procedures as obtaining a consent by fraud, duress or other improper means within the meaning of the Adoption Act.*

*As chairperson of the NSW Standing Committee on Adoption and Social Services in 1976, Mrs. (...) (...) ( (...) social worker of the Catholic Adoption Agency in 1975) had collaborated in drafting up the Health Commission Policy Circular 1081 – the very year a court order was made in favour of those unrelated to either my son or me (September 1976). I might have retrieved my son had I known how to go about that process – had I been informed by Mrs (...) (...) that laws had been broken against me in his unlawful removal, as my son was then only in an interim adoption arrangement.*

*Instead of advising me under its continuing duty of disclosure that I had a right of action to bring a claim in negligence and for breaches of duty of care and for breaches of statutory duty, and for breaches of fiduciary duty against Saint Margaret's Hospital for failing to provide me with the same professional standard of care as afforded all other new mothers and their newborn infants, and for failing to protect my rights, the 1982 policy circular had instead served as a warning to hospital staff that they faced the risk of litigation by continuing those practices if a mother should contest the validity of her consent. (the Committee has a copy of this circular)*

*The Catholic Adoption Agency had acted negligently and in breach of its duty of care and its statutory duty by displaying contumelious disregard for my rights when it induced me to sign a consent to the adoption of my child in full knowledge that a member of its staff was obtaining my consent by fraudulent means.*

*Form 9 is material evidence to show that the Catholic Adoption Agency was fully aware in 1975 that the established adoption procedure, which had denied me access to my own child from his birth, was in breach of my inalienable and common law rights as a parent as well as being in breach of the Adoption Statute itself.*

**Regarding what was common knowledge among Social workers but which was not conveyed to me concerning the mental-health consequences of relinquishing a child for adoption**

In finding me upset on the day she came to take my Consent, Miss (...) said words to the effect of, "You will get over your son and go on to have children of your own." I have since learned that this was standard advice given to unmarried mothers to persuade them to sign adoption consent papers. In fact from 2008, I was increasingly triggered to seek answers as to why I had lost my son to adoption despite that everyone knew I was opposed to adoption.

**A Childless Married Couple**

A form in my social record, titled, "Adoptive Parents' Details" reads: "According to the Principal Officer's Report dated (...) March 1976 Mrs (...) was pregnant twice, but the baby was still born on each occasion and she was strongly advised against further pregnancies for some time."

**I provide the following evidence of the recruitment of childless Australian citizens as prospective adoptive parents of 'illegitimate' babies**

Besides advertisements in newspapers and magazines, recruitment revolved around the practice of targeting those who on a regular basis would be in contact with potential adoptive parents: 'The method used to attract people into adopting children is to inform strategic groups such as doctors in general

practice, ministers of religion.<sup>19</sup> In "The Many-Sided Triangle", Marsh and McDonald – with over seventy years of experience in Social work between them – wrote: 'There was a time when appeals were being made from church pulpits for married Catholics...to come forward' (2001: 104).

At the time of their application to adopt a baby, the (...) were bereaved. Miss (...) would have been well aware of the psychological impact of the loss of a baby – given that many of her clients were bereaved in qualifying to adopt a baby on the basis of their childlessness through stillbirth – though at no point did she warn me of the dire consequences associated with the loss of my own baby, nor of the inevitable, *irresolvable* grief that would follow me all my life.

*Those professionals involved in the adoption profession and employed by the Catholic Adoption Agency as Social Workers in 1975 were well aware of the potential for harmful psychological consequences from adoption and the established adoption procedure of St Margaret's, including the illegal nature of that practice during the period in question.*

*In 1965 the Hon. A.D. Bridges (Minister for Child Welfare) indicated that the psychological consequences of relinquishment have always been known. In his presentation to Hansard on 8th December 1965, when drafting up the Adoption of Children Bill, the Hon. A.D. Bridges stated the following: The natural parent, regardless of their social or legal status, should have the opportunity to full consideration of all the factors involved, including the legal and psychological consequences of their decision to surrender or to retain their child before a decision is finally made."*

*In circa 1966 Social Work Caseworker Miss (...) ran a course for adoption workers employed in post adoption counseling, titled The Natural*

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<sup>19</sup> Daily Mirror, 17th October, 1967, "Playing God with a Child's Life", accessed 29th November 2010 from <<http://www.gift-not-choice.info/recruiting-the-means-by-which.html>>

*Parent's Needs After Placement of Her Child in which she outlines what was already known by 1966 about the psychiatric and psychological injury caused by relinquishment. In 1968 Sister (...) (...) paper had acknowledged both the trauma associated with the loss of the child and the un-researched assumptions made by the profession in preventing the mother from seeing her baby. (A copy of this paper can be provided upon request)*

*In 1964 (...) . adoption expert and author of the book titled Adoption, acknowledged the known "psychic trauma" to mothers by permanent separation through adoption when she asks "Shouldn't agencies make every effort to encourage natural parents, both married couples and unwed mothers, to keep their children, in order to prevent psychic trauma from permanent separation?"*

*In 1967 a 15 year long Australian study by Psychologist (...) showed that "Mothers who surrender their children for adoption seem to suffer chronic bereavement for the rest of their lives."*

*In 1966 the Medical Journal of Australia acknowledged the medical profession's own negligence and breach of duty of care at having introduced the practice of denying mothers access to their own children without any prior research being conducted to establish the consequences to the mother or child in interrupting the birth process and preventing the mother from ever seeing the child she gave birth to. The MJA reports on a symposium titled The Unmarried mother and Child Adoption, held in South Australia in 1966 page 934 that "No one knew exactly what effect the removal of the child had on the young mother, and whether it would be better for her to handle the child, and to look at it for a short time, or whether she should not see it at all. In either case she would mourn its loss, but in the latter case she might mourn a fantasy child."*

*The Review of Adoption Policy and Practices in NSW known as the (...) Report 1984 acknowledged that:*

*Research supports claim that relinquishment has resulted in lifelong distress with, at times serious implications for the mental health of the mother involved. Again and again the theme is represented of the powerlessness of the relinquishing mother and the denial of knowledge about her rights, options and services available to her. And Social pressures, including the attitude of the parents and the value position of the professionals involved (doctors, social workers and nurses) all colluded to make them feel they had no choice.*

*In 1984 The Department of Youth And Community Services 'Adoption: Options for Reform', 1984-5 indicates that prior to 1984-5 the adoption worker had not been providing the mother with her right to alternative options to allow her to make an informed choice.*

*In future, before consent is taken, relinquishing parents should receive counselling and written information on the implications of adoption, alternatives to adoption and community support services which can help them if they want to keep their child. (see uncut interview between Mike Munro and Margaret McDonald, an Origins submission)<sup>20</sup>*

*In 1986, the Review of the A.C.T. Adoption of Children Ordinance" Report No. 23, Human Rights Commission, stated on page 3:*

*Adoption procedures have largely disregarded the rights of the parent considering relinquishment to be made aware of the alternative options to adoption, and to full and disinterested support in arriving at a decision. The many submissions received from natural mothers who relinquished children for adoption, describing their unresolved grief and sense of loss, bear testimony to the failure of bureaucratic procedures to protect their rights.*

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<sup>20</sup> See accompanying disc with uncut video from an interview by Mike Munro with Margaret McDonald



## **Regarding interrogation and moral coercion at St Margaret's Hospital for Women**

On (...) October 1975, the day prior to my discharge from Saint Margaret's Hospital, a registered nurse called me into a room off the left of the corridor in the direction of the ward exit. When I entered, she said to me, "Did you get pregnant because your sister did?" Attempting to avoid a confrontation, though offended at such prying, I replied, "That is none of your business, Sister." I then informed her of my intention to deliver my baby son to Saint Anthony's Home for Unmarried Mothers where I hoped to spend time with him. (See Attachment 17, which is a true copy of the relevant Ward Report showing that I was for discharge to Saint Anthony's with my son on the (...) October 1975).

Sister (...) became very upset with me, saying words to the effect of, "You're not permitted to do that – you have signed a consent." I said words to the effect of, "He is my son and I am going to do that." Sister (...) then said words to the effect of, "You have to leave the baby behind." Sister (...) appeared angry with me as she then exited the room. I then broke down, emotionally and physically exhausted. A short time later, when I had composed myself sufficiently I exited the room myself.

Walking in the direction of the 4th floor exit, I saw Sister (...) speaking with my father at the end of the corridor. As I approached my father, Sister (...) walked away from him. My father approached me and said, "Sister said, you're going to have trouble with that girl." Then in a very upset state, I said to my father words to the effect of, "Sister said I have to leave (...) behind." I also said words to the effect of, "He is my baby and I'm taking him with me." My father then said words to the effect of, "Of course, you can," as he attempted to calm me down.

On the (...) October, on the way back to Saint Anthony's with my son my parents insisted that I should come home with them in order to make a clearer choice about what I wanted to do. As I was weakened and worn down by all the fruitless effort associated with attempting to access my son, and as I was certain that confrontation was going to make matters worse (as it had during the aforementioned meeting with Sister (...)) I reluctantly agreed to do as my parents wished. I then handed my son over to a religious sister at St Anthony's.

I nevertheless remained determined to retrieve my son prior to the end of the cooling-off period. I was confident that my father would assist me as my confidante, once he witnessed my determination to retrieve my son. Despite the duress my parents applied to me in conjunction with authorities, they had also been pressured and denied access to my son up to that point in time, as well as fed the same propaganda as me (which I have long noted in the stories of other 'unwed' mothers). For example, my parents reiterated to me, the words of Social worker, such as that adoption is the best option for your baby, as he "needs both a mother and a father", and that "you will get over him in time and go on to have children of your own."

### **Regarding my desire and intention to retrieve my son from Saint Anthony's prior to the end of the cooling-off period**

On the day before the thirty days expired, I went to my father and pleaded with him to allow me to bring my son home. My father said words to the effect of, "It is too late, arrangements have already been made and the cooling-off period is over in the morning."

It was late in the day and I had no means of getting to Saint Anthony's myself; consequently, I came to the false conclusion – but the only one I could make in view of the little information conveyed to me – that it was a hopeless situation. In fact, my son had already been taken for 'adoption', as he was picked up on

Friday (...) October 1975, despite that the cooling-off period would not expire until the following Sunday. (See Attachment 19, which is a true copy of a form from the archives of the Josephites, confirming that the date my son was collected with a view to adoption)

I learned only in 2009, that I would have been required to make a legal application to the court on the Friday prior to Sunday (...) October 1975, in order to retrieve my son. In hindsight, I know that such a task would have been beyond me without the knowledge necessary to do it.

As I was distressed and overwhelmed with grief and anger at the thought that my son was gone forever with strangers, despite all my efforts and pleadings to keep him, I went on a hunger strike for many days. As a consequence of the stress I was under, I became weakened and developed a severe abscess which my local doctor lanced at his surgery late in 1975 ( (...) NSW).

Though those involved in removing my son against my will claimed that the final decision would be mine, in hindsight my trust in that claim was shattered at every turn. Had I been permitted to nurture my son from birth, he would have come home with me.

## **Adoption Eugenics**

While I was suffering trauma on account of the removal of my son, his adoptability was being assessed in terms of his physical health over at Saint Anne's Nursery at St Anthony's Home for Unmarried Mothers.

Around July 2004 I received a copy of a form (Form 13) titled Medical Report on a Child less than Six Months of Age. On the 24th October 1975, I discovered that Dr. (...) (...) had noted that my son's heart murmur was, "No bar to adoption," despite that Form 13 read: "The doctor is not asked to give his

opinion as to the suitability of the child for adoption.” (Attachment 18 is a true copy of Form 13 from my social record)

During a conversation with Centacare in 2009, social worker (...) (...) confirmed my son’s ‘adoption’ was deferred due to an heart murmur. This fact is also noted on a record I received from the archives of the Sister’s of St Joseph, along with a description of my son as ‘illegitimate’. The Australian citizens to whom my son was given, were permitted to take him on an interim basis pending further assessment of his health (which occurred on the 19<sup>th</sup> March 1976).

I came to realize that the adoption industry had sought healthy infants for childless couples, matching my son’s colouring and social background with strangers. Those strangers were entitled to return my son if his heart murmur proved not to be innocent.

### **Regarding adoption deferment**

The following quotes are extracted from the Final Report of the NSW Parliamentary Inquiry into Past Adoption Practices titled, ‘Releasing the Past’:

The decision to defer or proceed with an adoption was based on a thorough medical examination of the baby, usually conducted within 10 days of birth, and an assessment of the social background and health status of the natural parents.<sup>75</sup> In 1965-66 adoption was deferred for between one in four and one in five babies. By the early 1970s there appears to have been a greater preparedness to accept babies whose adoption would have previously been deferred and only one baby in twenty was placed on a deferred adoption basis.

Many babies whose adoption was deferred were eventually adopted. In some instances, the suspected disability was not as severe as first thought or the child flourished under the care of foster parents. In a small number of cases, adoptive parents were willing to accept a child with a disability. However, many babies were never cleared for adoption and remained in foster or institutional care for

many years. Institutional accommodation was in short supply and in any case, was not viewed by the Department as an appropriate environment to raise a child.

It would appear that the mothers of 'unadoptable' babies were often expected, if not encouraged or even pressured, to keep their babies, rather than arrange for them to be admitted to wardship. (...) (...) whose baby was born in 1961, recalled an incident at St Anthony's. 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.

I am deeply offended for my son that he was subjected to a eugenics assessment following his feigned abandonment by medical, nursing and social welfare workers. I am incensed that Miss (...) had lied so blatantly to me when she promoted my son's adoption as an act of unconditional love, in full knowledge of the risk that he may have spent his life in an institution as a reject of their system on eugenics bases.

During the peak years of adoption (1967-1972), an almost certainly innocent heart murmur would certainly have predestined my much wanted son to a life of institutionalized care (see Origins submission re. Forgotten Australians, for further details). In 1975, however, as the supply of newborn babies was rapidly drying up, those married citizens who were approved to adopt were more inclined to take children with minor health problems. Couples would then readily even 'adopt' boys (see History Timeline of Adoption in Australia, detailing a consistent demand for healthy girl babies).

## **Some things I desire**

My son and I await justice, thirty-five years after major Common law and human rights crimes and abuses were committed against us via a demand created for our separation with a view to procuring healthy newborns for the childless.

For those crimes, I accuse the Australian Association of Social Workers in conjunction with federal and state governments and their endorsed institutions of the day (substantial explanation is provided in submissions by Origins).

I desire the return of my son in a manner of speaking, via:

- the declaration of his adoption as null and void, as it is in truth; and
- the reinstatement of his original birth certificate, which names me as the one who gave him birth, as I AM the one who gave him birth.

**IT BEGGARS BELIEF THAT A LEGAL SYSTEM COULD  
RECOGNIZE FALSIFIED INFORMATION AS LEGITIMATE**

If a mother fails in her duty of care for her infant, her rights in relation to that infant are justifiably removed.

In contrast, I did not fail in my duty of care for my much wanted son yet was denied even a chance to prove or disprove my maternal capacity, as unscrupulous agents were permitted to prey upon the newborn offspring of the young and unmarried mother.

# Wisdom of Solomon

In 1955, Chief Justice Sir Edmund Herring ordered the return of a child to its mother, rejecting an application made by a woman to adopt a child on the grounds that her mother suffered episodic bouts of mental illness. The following excerpts are from a speech made by CJ Herring to the Full Victorian Supreme Court, regarding his judgment in that case.

Thereby, I rebut the arguments of those who justify the theft of the infants of vulnerable, unsupported mothers such as was witnessed in Australia circa 1950-1980:

*'I should like to record my protest against any notion that eccentricities in the mother's character, or mere naiveté, or immaturity of judgment, even within wide limits, should be regarded as necessarily disadvantageous to her child...cont...'*<sup>1</sup>

Image removed

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<sup>1</sup> Speech of Chief Justice Sir Edmund Herring to the Full Victorian Supreme Court, 1955, A. v. CS (1955) V.L.R.340, at pp. 340-77

<sup>2</sup> My daughter at age sixteen with her firstborn (...) (...) at whose birth I was present. He may have been taken for 'adoption' three or four decades ago, though unscrupulous people still petition governments for the offspring of the 'sole' mother. My daughter was approached during her

*'The love of a mother for her child has been recognized from the days of Solomon, if not before, as one of the strongest of all human instincts. It is one that in the ordinary course can be relied upon to endure throughout life, whatever may befall, and so assumes an added significance when one is considering the welfare of the child on the long view of its whole life...adoption is from the nature of things only a second best to be put into operation only when the first best is for some reason not available...*



*'And it has to be borne in mind that adoptive parents may not prove as long suffering as natural parents might be, nor as the years go by as ready to put up with the frailties of the children they adopt. The Legislature in sec. 8 has recognized the need in some cases for a probationary period of two years, presumably because it was realized that the early enthusiasm of would-be adopters for a child does on occasion cool...in general an adoptive home is rarely as satisfactory for a child as a home with its real mother, even though superficial circumstances appear*

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confinement, about placing her child for adoption. Of course, she was offended and rejected that suggestion outright.



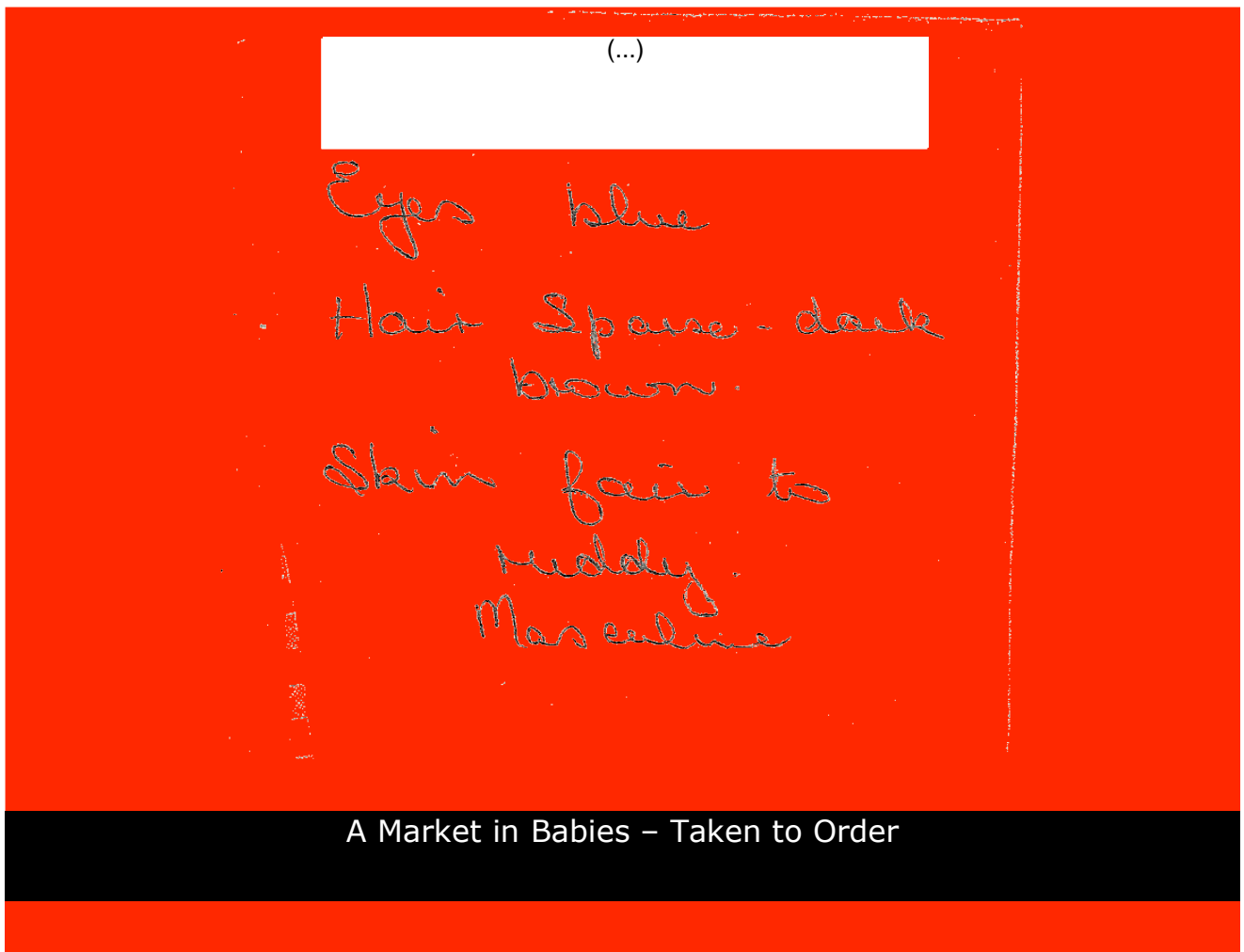
*superior in the adoptive home. The main objective of the legislation is to enable kindly-disposed persons to adopt children who, by reason of neglect by their parents or guardians or because they have neither parent nor guardian, or for some other good reason, are condemned to live in an institution or with a person or persons who have no legal obligation to them or who may use a de facto guardianship to exploit them...*



*'But the Legislature has also recognized that the chief claim to bring up a child rests with the parents and that the relationship of the parent and child prima facie renders the parent the most suitable of all persons to rear the child...'<sup>3</sup>*

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<sup>3</sup> Speech of Chief Justice Sir Edmund Herring to the Full Victorian Supreme Court, 1955, A. v. CS (1955) V.L.R.340, at pp. 340-77



The image above is a description of my son as a newborn baby. It was taken in the nursery on the 3<sup>rd</sup> floor of St Margaret's Women's Hospital, Darlington, where my son was falsely imprisoned apart from me in 1975. It is evidence that Miss (...) proceeded to make arrangements for his 'adoption' despite having full knowledge of my son's and my subjection to St Margaret's coercive 'adoption' policy. Miss (...) (...) took not merely an uninformed consent from me; a fully qualified Social worker, she aided and abetted my son's abduction on behalf of a childless married couple.