

Submission to the Government of Western Australia's Standing Committee on Environment and Public Affairs regarding its Inquiry into past forced adoptive policies and practices

By Michael Gerard HICKEY of KAMBAH, ACT 2902

Honourable Councillors,

Thank you for initiating this Inquiry.

The process of advocating for this Inquiry to be established has been traumatic and triggering of months of anxiety and emotional distress for me. It has since taken me many weeks of start-stop writing to complete this submission, as I continuously relive the trauma of the ongoing rejection from my birth mother, and experience the ongoing effects of her shame at the circumstances of my birth. Please do not gloss-over this long submission, I need the Committee to understand that the trauma from my adoption being kept secret from my birth family was not something that happened 63 years ago but is something I experience every day.

### **Circumstances of my Adoption**

**NOTE:** For the purposes of this submission, and out of respect for her non-contact veto, I shall refer to my birth mother as *Edna*. This is not her real name.

Edna conceived me when she was in a loving relationship with my birth-father [REDACTED] of Rockhampton, QLD. They were both working at the Pioneer Sugar Mill at Ayr, in far north Queensland when they formed a short-lived relationship. Unfortunately, they quarrelled bitterly and the relationship broke up 8 months before my birth. Edna returned to Bundaberg and discovered that she was pregnant.

[REDACTED] was informed of the pregnancy in a short note, which prompted him to visit her at home in Bundaberg to propose marriage. [REDACTED] believed that his offer was rebuffed because Edna's parents were very disapproving of him. He thought that he was rebuffed because he was a manual worker (painter), of a different faith (protestant), educated only to Year 6, and had few prospects.

In the heat of the moment, he avowed that if Edna would not marry him, he would take me to raise on his own. He later reconsidered that statement as it would be in neither his, nor my, best interests and let the matter slide. That was the last he heard of me until I reached out to him in 1996.

Edna wrote that in light of [REDACTED] warning that he would try to exercise his dubious right to raise me and, fearful of the shame and embarrassment of being a single mother, Edna's parents arranged for her to fly to Perth 5 months before I was born so that no relatives nor friends would know of her pregnancy.

I was born Robert Francis Elliott at St Gerard's Hospital, Wembley WA in December 1959. Within a fortnight my adoption was arranged and I was living with my adoptive family. Edna subsequently returned to Bundaberg to resume her life and in late 1961 married a local farmer.

My adoption was not forced by a government or a religious organisation or their agents. My adoption was forced by intolerant societal norms and mores, and the complete lack of financial and legal support available to unwed mothers.

I consider myself to be very fortunate to be adopted into the Hickey clan. In Perth of the 1950's and 1960's this large Irish Catholic family was well-regarded as being generous and loving. In the extended-family there are as many adopted children as there are natural-born. Whenever I asked my adoptive father about my origins, he was open about my birth status and told me that my birth mother was a young unmarried woman from Queensland who had returned there after my birth.

Because adoptions were routine, and adoption status openly known, I cannot recall a time when I did not know that I was adopted. Neither my adoptive parents nor their relatives made any special mention of it, made no slurs about my ex-nuptial status nor was I expected to be especially grateful for being adopted. I was loved, cherished and cared for as well any other child. Edna's objectives for me were well met and I respect and value her choice.

### **Early-Life Experiences**

My early years were not devoid of tragedy and upheaval. Two other adopted siblings died in their infancy; which contributed to my adoptive mother's severe mental health issues. Two other children were later adopted, but after a long psychiatric illness and a period of estrangement from the family, my adoptive mother took her own life in December 1970. My adoptive father remarried in late 1971.

We went on to epitomise the modern family, blending three of his children (all adopted), two of hers (one adopted) and two of theirs - who were born into this increasingly complicated family. All up there were four adopted children, and three natural-born children. We have joked that we would have made a fascinating case study for a sociologist, if only to provide a cautionary example.

Being raised in such normal, even benevolent circumstances, you would think that I would be content with being adopted, but even as a 7-year-old child I remember wondering who my "real" mother was, and why she would want to give me up for adoption. Over the years I developed an understanding of what adoption truly was, and learned how that made me subtly different to others around me. For example, people would compare the looks of babies and children to others in the family as a way of casually legitimising ancestry claims (*'he has his father's eyes'*, *'she has her grandmother's curls'*). No-one made these comparisons about me.

As I matured, I couldn't help but notice that I looked different from my adoptive parents, even though I have Anglo-Irish ancestry. More worrying, had no comparators against whom to predict what I would look like or when I would fill out into my adult body. These might seem like trivial concerns to an adult, but as a developing youth you may recall harbouring these same concerns and gaining solace from the realisation that you would likely end up looking like an amalgam of your parents. I had no such solace.

Though I was personally treated with love and respect from my adoptive family, I learned from casual and incidental social interaction that to be born ex-nuptial was a shameful thing, and something to be hidden. Even the casual slurs and insults applied in the schoolyard had a special meaning for me and stung in a way not ever intended by the tormenter. As I matured, I slowly realised with growing disappointment that my birth-mother rejected me so she could avoid official censure, public condemnation and social shame.

### **Early Adulthood**

I dropped out of high school a few months short of my 18<sup>th</sup> birthday when I joined the RAAF. My first long-term posting was to RAAF Williamtown near Newcastle NSW. Following my discharge, I studied Nursing at the Royal Newcastle Hospital (RNH), and later, Computing at Newcastle University. While Nursing at RNH, I met and married my wife, [REDACTED]. After completing my Computing Diploma, I was recruited by the Department of Veterans' Affairs, and relocated to Canberra in 1989. I earned a Bachelor of Commerce degree in 1994.

### **Adoption Veto**

While my adoption status was always in the back of my mind, it wasn't until we were planning to start a family in 1991 that I started to properly research my adoption history and seek to discover any medical history or information that might be relevant to raising my own children.

I approached the WA Department for Community Services and asked for more information about my adoption. I promptly received a letter describing the circumstances of my birth and adoption and explaining that my birth mother had recorded a *no contact wish*. Nevertheless, the Department gave me all the information they could at the time. By this time the first of my 3 children was born and I remember vividly the absolute joy at holding in my arms the only blood relative I had ever known. Here was a person who was a part of me in a way I had never recognised before. I remain incredulous that anyone could experience shame at bringing such a beautiful person, so intimately connected to oneself, into the world.

By 1996, Legislation changes meant that I could request non-identifying information held by the Department and I requested to make contact with my birth parents. I proceeded with the registration and mandatory counselling processes, while recognising that I was feeling a deepening need to *know* who I was, and where I fit into the world. In the process, I learned that my birth mother reinforced her “no contact wish” to a formal *no contact veto*. The presence of a perpetual veto was confusing and disappointing to me, but Edna wrote that she could not bear the shame of my birth and that even the act of accepting a letter from the Department made her feel like she was cheating on her husband. When I read these words, I realised that she had withheld the truth of my birth from her partner these 36 years, choosing instead to reject my very existence.

Meanwhile, the Department made contact with my birth father, [REDACTED], and to my delight the Department facilitated contact with him. He was retired and living in Yeppoon QLD. By late 1997 we were exchanging letters, emails and sometimes phone calls. I visited him and members of the family in Yeppoon in the mid-2000’s. It was from [REDACTED] that I learned more about my birth mother, where she was from, how they met and how they progressed a loving relationship until they quarrelled and separated. [REDACTED] told me all he could, and how he came to be resigned to losing me from his life.

Sadly, [REDACTED] passed away in 2013.

### **Ongoing Impacts of the No-Contact Veto**

In 2005 legislation changes allowed me to access identifying records, including my WA Birth Certificate. I completed a legal “Undertaking Not to Contact a Person Who Has Lodged a Contact Veto” acknowledging the stiff financial and custodial penalties that would apply should I breach the conditions. I have never been able to fully accept that veto emotionally and, while I have not planned to breach the Undertaking, it has come to dominate my thoughts and feelings as I age through my 60’s and contemplate never being permitted to meet my birth family.

The veto is a very powerful instrument that morally binds me well beyond the specific legal proscription from contacting Edna. Due to the veto on contacting Edna, the only satisfactory alternative available to me is for me to contact other family members. However, if I were to identify myself to my half-siblings or any other relatives, Edna would be questioned by them to assess the veracity of my claim, forcing her to realise all the horrors of shame that she has defended against for 63 years.

I would then become her abuser, and I do not want my entry into her life to be the cause of distress, pain and disruption.

From time-to-time I have also considered revealing myself to my siblings on her death, when I would be technically released from the Undertaking. However, while *she* will be freed from experiencing harm at that point, I know that her children and grandchildren will not be able to have *their questions answered*, may yet *resent my revelation*, and I *still* will not be able to relish the smallest joy from meeting my birth mother.

The no-contact veto therefore has the effect on me of a permanent restraining order, a sentence not imposed by a Magistrate possessed of all the pertinent facts and circumstances. Edna, the perceived

victim, subject to her self-projected guilt and shame, has been allowed by legislation to summarily restrain me from free association with any part of *my* birth family in perpetuity, without recourse and without requiring her to balance potential and collateral harms. I have committed no crime, nor threatened any harm to Edna, yet I feel that I am being punished for her participation in a *consensual* act of love.

I see Edna's profound shame as a product of 1950's society. Unfortunately, she has never grown to accept that times have changed and to recognise that the social norms of today are much more liberal and forgiving. Official censure has long since been repealed, and replaced with social and financial supports to allow single mothers to raise their children without prejudice. Edna probably hasn't even considered that her other children might joyfully welcome me and that no one will condemn her.

### **The Ongoing Harms of the Veto**

To sate my ongoing hunger to know who I am and where I fit into the world, I have researched much of my birth-mother's family tree using public records. I discovered the eulogy of our earliest Australian immigrant; a decorated veteran of the 32<sup>nd</sup> Regiment of Foot, who, after 20 years of service in India, came to call Australia home at the age of 35. I know some of my grandparent's histories, where they lived and retired, and have seen their various grave stones; I know of my uncle's tragic death at 26. By 2018 I had even identified who Edna married in 1961.

In 2021, I discovered that Edna's husband had died just one year before. The funeral agent had recorded his memorial service and published it on their website. To me this was like finding a hoard of precious treasure! Amongst the outpouring of grief at his death, the video featured my half-brothers delivering the eulogy; a sensitive, loving review of his life that included a lot of family anecdotes, and showed a presentation of family photos; of moments of *my* brothers with *our* grandparents and *our* mother.

My spirit aches from the strength of emotions I felt at finding all this. With absolute joy I had discovered an elderly Edna alive and still capable of independent living. My heart leapt at the thought that I could *know* these people; I could *meet* them; maybe I would even be *acknowledged and accepted* by them.

The eulogy revealed much about Edna's life with her husband, on the family farm and where they lived after they retired. Since then, I have used online maps to locate the farm, street-view to see the houses where Edna and other family members live, and Facebook to read what they say about themselves. I learned from LinkedIn that one of my brothers went to the University of Newcastle as I did - only one year removed from me, and who now lives less than 5km away from RAAF Williamstown where I once lived. Were it not for that veto, I could have known him, we could have a chance to be friends.

While I wanted to, and was encouraged to by family and friends, I dared not reveal myself lest I be the cause of hurt. I've remained a remote observer on a part of my life that is placed tantalisingly just out of reach. The ongoing veto means that while Edna is adequately protected, I continuously and perpetually suffer damage from her protection. She doesn't know I hurt, she doesn't know I suffer, and I have no avenue to ask her to *reconsider* the veto in the light of harms to me.

She isn't subject to the constant reminders that the people whom I respectfully and lovingly call father and mother, brother and sister, are not biologically related to me at all. She is comfortable, while I am not, and I am the one to bear the consequences of her choosing to keep my very existence a shameful secret.

### **Conclusion and Recommendations**

The attitudes of society have changed, and I find it had to imagine that Edna is unaware of these changes. Edna has not rescinded the veto, even *years* after her husband's death and *decades* after the deaths of her parents and other older relatives. She continues to employ the powers of the veto, even though *there is no*

*one left to “cheat” on.* Edna gives power to her shame by choosing secrecy over openness and truth-telling. *She* chooses, but I have no such choice.

I voluntarily restrain myself from contacting family because I believe that Edna maintains a self-imposed level of unawareness and *hopes* that I will not exercise any right to associate with her family. In so doing Edna blindly ensures that if I make contact, it will maximise emotional damage, and *I will be the only one to blame.* I believe that to prepare for eventual contact, Edna should be *specifically* and *clearly reminded* that a no-contact veto with her does not restrain me from associating freely with other family members.

I hope that I have shown the Committee that vetoes are psychologically damaging and prevent healing by both birth parents and adoptees. Not just at the time of imposition, but throughout the life of the person subject to the veto.

I strongly advocate to the Committee that no-contact vetoes be completely abolished. Subsequent exposure of Edna’s secret will then not be from an act of abuse perpetrated by me, but a natural consequence from truth-telling and openness that Parliaments across Australia are embracing in a whole range of spheres. These include the removal of gags that silence the voices of sexual abuse survivors; bring to account historic abuses by individuals in positions of power and authority; and proclaiming the truth of our historic and ongoing relationships with First Nations peoples. Even highly sensitive Parliamentary information is generally de-classified after 50 years, and that information may affect many thousands of living individuals. I can’t find any good reason for the abhorrent practice of maintaining secrecy about historic adoptions to continue to be supported.

However, I also recognise that the prospect of summarily removing the no-contact vetoes will likely cause people like Edna immediate and overwhelming distress. Therefore, I recommend that the Committee consider:

1. Recommending that the Minister submit legislation amendments to the WA Parliament to:
  - a. Abolish historic no contact vetoes by 30 June 2024.
  - b. Restrict vetoes to be temporarily renewed, only once more, for a grace period not exceeding one year with mandatory counselling of veto-applicants a precondition of extending a veto. This would put the veto-holder in a position where they can be specifically counselled on the harms that a veto perpetrates, and receive support toward healing of their strong emotions.
2. Most importantly, and *notwithstanding any other outcome of the Inquiry*, I further request that the Committee ask the Minister to write to no-contact veto stakeholders to *remind them explicitly* of the harms that contact vetoes cause, and that the people constrained by a no-contact veto absolutely have the right to contact members of their birth family. This is vital to inspire perpetual veto-holders to reconsider their veto in the knowledge that other family members might be contacted regardless of the veto.

Respectfully yours,

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