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**DR ANNE ELSE - AFFIRMED**

3

**EXAMINED BY MS THOMAS**

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6 **MS THOMAS:** Thank you, Chair. Commissioners and Chair,

7 just before we start, I would just like to alert

8 everyone that Dr Anne Else does at times have a

9 hearing difficulty, so we will all need to speak

11.37 10 carefully into our microphones.

11 **CHAIR:** Dr Else, can I begin your evidence by asking you

12 as follows - (witness affirmed).

13 **MS THOMAS:**

14 Q. Good morning, Dr Else. Just to confirm, do you have in

15 that folder before you the signed brief of evidence with

16 today's date which is your brief of evidence?

17 A. Yes.

18 Q. Thank you. Do you also have in front of you your book

19 titled, "A Question of Adoption: Closed stranger

11.38 20 adoption in New Zealand 1944-1974"?

21 A. I do.

22 Q. I would ask you now to present that book to the

23 Commissioners.

24 Can you please introduce yourself with your name and

25 area of expertise?

26 A. My name is Dr Anne Else. I have a number of areas of

27 research interest but adoption has always been a major

28 part of that, and that is partly because I am myself

29 adopted. I was adopted in 1945, so I wrote the book that

11.38 30 I needed to have for myself, knowing that or thinking

31 that it would be helpful to other people in my position.

32 But since that book, of course, I have gone on and

33 written a number of other articles and chapters in books

34 and so on, also dealing with adoption in New Zealand.

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1 Q. Thank you. If we could start with your brief of evidence  
2 looking initially at the situation in New Zealand before  
3 1945, in terms of adoption. If you could tell us about  
4 that, please.

5 A. Well, it was not common to adopt children before 1945 and  
6 in particular adoptions of babies were very uncommon.  
7 Adoption was seen initially as something that you  
8 acquired a child of use for years, it would help you on a  
9 farm or something like that, and secrecy wasn't initially  
11.39 10 involved at all. We were the first country in the  
11 British Empire to introduce legal adoption.

12 But the other issue, the most useful solution to  
13 pre-nuptial pregnancy from at least 1920 and so on was  
14 hasty marriage and that ensured the child was born  
15 legitimate.

16 It should be noted, however, that there were  
17 different procedures for recording Maori births and so,  
18 it's not possible to talk about Maori legitimacy in the  
19 same field.

11.40 20 Q. I will just remind you that we are typing everything  
21 here, so we need to speak more slowly, thank you.

22 A. So, the other factor was if you did not marry, and of  
23 course there were many women who became pregnant and  
24 could not do that, keeping an illegitimate child was seen  
25 as a fitting punishment for sin for the mother and for  
26 the child.

27 So, in fact, anybody who found themselves unable to  
28 carry the dual roles of parenting and financial support,  
29 including of course a number of single mothers, were  
11.41 30 liable to see their children end up in institutions.  
31 They were charged for keeping their children there  
32 because the thinking was, okay, we've put your child in  
33 an institution, now that leaves you the time to earn the  
34 money to support it.

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1 Q. So, they were charged by the State?

2 A. Yes. So, for example, in 1939, the Society For the  
3 Protection of Women and Children protested about Police  
4 prosecuting unmarried mothers because they'd fallen  
5 behind in the maintenance payments for their children.  
6 So, it was a completely different attitude.

7 Q. Can you tell us how things changed in the post-1945 era?

8 A. Yes. Well, in the first place, there was World War 2  
9 which meant that marriages were delayed, many came home  
11.42 10 from war with their fertility impaired, so the number of  
11 people unable to have children actually increased a great  
12 deal. Plus the number of children born ex-nuptially, for  
13 example to women whose husbands were away on service also  
14 increased.

15 The institution of adoption was still not under  
16 complete control of the State. Adoptions were usually  
17 privately arranged but we did have the law to take care  
18 of them, and so the numbers began to rise from that time  
19 onwards.

11.42 20 However, by 1955, the increase in adoptions had  
21 prompted the State to look at changing the law with the  
22 object of having the State have much more complete  
23 control of adoptions and regulating the way in which they  
24 took place, and so that was done in 1955 and that Act is  
25 still in force today.

26 Q. And in your brief of evidence, looking at paras 6 and 7,  
27 is also a table on that page?

28 A. Yes.

29 Q. If I could ask for that table to be put up on the slide  
11.43 30 now. Could you take us through that table with some  
31 points that you'd like to highlight?

32 A. Well, you can see that in 1943, for example, there were  
33 only 577 adoptions in total. At that period, a low  
34 percentage of live births. But by 1960, they were still

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1 only around 3% of annual live births. But you can see  
2 from this table, that adoption is not a simple matter.  
3 There were total adoptions, then percent of live births,  
4 then adoptions known to the Child Welfare Division. Some  
5 adoptions took place at that early period before Child  
6 Welfare had any involvement at all.

7 Then after that, the figures changed, so that by  
8 1979 every single adoption is known to the Child Welfare  
9 Division, Social Welfare by then, because they were in  
10 charge of them.

11 Now, the adoptions involving ex-nuptial births were  
12 only a portion, there were also step-parent adoptions and  
13 inter-family adoptions and things like that. But they  
14 were the substantial, they were still the most  
15 substantial category of adoptions in this period.

16 Adoptions by strangers almost match adoptions  
17 involving ex-nuptial births but not quite because there  
18 were still inter-family adoptions, mothers for example  
19 adopting their daughter's child and so on.

20 Adoptions of children under 1 year old is an  
21 indication of the normalisation of very early adoptions  
22 which took place through this period. But even then,  
23 from the early 1970s, the figures begin to fall away, so  
24 that by 1979 we're down to 2,200 a year and only 845 of  
25 those are adoptions by strangers. So, the heyday of  
26 closed stranger adoption, which means adoptions by  
27 strangers to the family, which was closed in the sense  
28 the birth parent did not know who the adoptive parents  
29 were, actually occupy a relatively short but very  
30 influential period of time in our history.

31 Q. Just to highlight, what years were the times where  
32 adoptions by strangers were the greatest?

33 A. Well, the greatest number of adoptions was 1971 but the  
34 greatest number of adoptions by strangers was in 1970

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1 when 2286 took place. And then they begin to decline  
2 after that.

3 In percentage terms, it was actually 1962 because it  
4 was almost 78% of total adoptions.

5 The last year in which adoptions by strangers made  
6 up more than half, was in 1974. So, by the mid 1970s  
7 that form of adoptions was rapidly declining.

8 Q. You've told us that things had changed in the post-war  
9 era in New Zealand. Can you tell us why was adoption the  
11.47 10 answer to the changes?

11 A. Well, State had always been concerned about single women  
12 having babies. This was thought to indicate immorality  
13 and sinfulness and so on. The sinfulness fell away. The  
14 immorality to some extent fell away and people began to  
15 see it as a mistake, this was an otherwise good person  
16 who had simply made a mistake. Given the rise in the  
17 number of people wanting to adopt a child because they  
18 couldn't have one, this was seen as the perfect solution,  
19 not least because it came at virtually no cost to the  
11.47 20 State. And the 50s in particular and onto the 60s, there  
21 was a very strong normalisation, the normal family was a  
22 mother who probably stayed home, a father who went out to  
23 work and children.

24 So, the transfer of an out of place legitimate baby  
25 born to a single mother into a family of a married couple  
26 to become their child, was seen as both kind and  
27 sensible. It was the perfect solution to this perennial  
28 problem of what to do with these children.

29 Q. And also, what were the thoughts around what was for the  
11.48 30 baby itself?

31 A. It was seen that this gave the baby (a) legitimacy which  
32 was extremely important. It gave it a normal pair of  
33 parents. It gave it security apparently, although the  
34 stories allege that one parent died soon after the birth

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1 wasn't always the case. But it placed the baby on an  
2 equal footing with other children, so it could grow up  
3 with a completely lifelong secure new identity. And for  
4 the birth mother, it enabled her to start again as if she  
5 had never had the baby and marry and have other children.  
6 That was the thinking.

7 Q. So, that was the thinking of the time?

8 A. Yes.

9 Q. Did these unmarried mothers have other options at that  
11.49 10 time?

11 A. Surprisingly when you look at the figures, a percentage  
12 always did manage to keep their children but to do that,  
13 a number of things had to exist. They had to usually  
14 have family help. They had to not be cast out of the  
15 family certainly. They had to have some means of earning  
16 a living because somebody else could take care of the  
17 baby or they could take up a position as a housekeeper or  
18 something that they could manage. Some women pretended  
19 they were married and carried on as if their husbands  
11.49 20 were away or something. People sometimes manage to keep  
21 their children but many did not. The people who did not  
22 manage tended to be better educated, from middle classed  
23 families and to have been sent away. Those were the  
24 groups which were most likely to adopt out their child.  
25 And it was extremely difficult not to be caught up in  
26 that system, given the pressure, the main pressure was  
27 that you were told you must not be selfish, we understand  
28 you want to keep the baby but that is selfish, the right  
29 thing to do for the child is to give it up to a proper  
11.50 30 family.

31 Q. And that pressure that was, those words that were spoken  
32 to these unmarried women, who would be telling them that?

33 A. The people in charge of the homes where they went  
34 certainly were doing that, the social workers were doing

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1 that because once a single pregnant woman got into a  
2 home, the social workers had to be informed of all  
3 ex-nuptial pregnancies or births. And in the case once  
4 you were in the home, they would get to you early, as it  
5 were.

6 On the other hand, if you didn't do that or you were  
7 just staying with friends or clergymen or something, at  
8 some point it would probably come up. So, there were  
9 numerous sources of pressure. It was not supposed to be  
11.51 10 pressure, it was supposed to be information and making  
11 sure the best thing happened for the baby but that was  
12 how it was done.

13 Q. Turning now to the 1955 Adoption Act, can you tell us  
14 what was the purpose of that Act being introduced?

15 A. It was definitely part of the expansion of State control  
16 over social life and there were, it's true that there  
17 were some cases of abuse and malpractice in the private  
18 homes who were mainly in charge of unmarried mothers and  
19 there were some difficult cases where adoptions went  
11.52 20 wrong and so on. And so, the State had a vested interest  
21 in controlling adoptions. It was done supposedly for the  
22 good of all concerned and this is why the Adoption Act  
23 was such a major piece of legislation.

24 And the discussions in the House, which are covered  
25 in my book, about the Act, show exactly how and why it  
26 took the shape that it did. And of course you must  
27 remember that in those discussions at that time, it was  
28 virtually entirely Pakeha men deciding on what should be  
29 in the Act and shaping it.

11.53 30 Q. As a result of that Act, there was much more  
31 comprehensive State involvement in the process of  
32 adoption?

33 A. Yes. Well, it mandated - the social workers were already  
34 involved in the hearing. When the couple came to Court

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1 to get the first, the interim Adoption Order for the  
2 baby, with the baby, social workers would have already  
3 done a report on the applicants saying they were suitable  
4 to adopt but often they would do that very late in the  
5 piece. However, after the Act they were responsible -  
6 they became increasingly responsible for matching the  
7 applicants and the children, and that was the major shift  
8 that occurred. So that, the private homes, doctors etc.,  
9 who had done that before, as in my house it was an  
11.54 10 arrangement between the doctor and family, that was  
11 handed over to the State and that was partly because of  
12 the growth in adoptions and in ex-nuptial pregnancies.  
13 It became beyond what private institutions could manage.  
14 So, the State became the comprehensive arranger of  
15 adoptions over this period.

16 Q. At paragraph 12 of your brief of evidence, you've talked  
17 there about the adoption by unrelated strangers ensuring  
18 a "complete break". Can you please talk to us some more  
19 about that term and what this means?

11.55 20 A. This was the theory which governed thinking about the  
21 adoption of ex-nuptial children at this time. And it was  
22 seen as both essential and beneficial for those involved.  
23 As I said before, it meant that the adoptive couple  
24 gained a child in complete security, nobody could upset  
25 that. The child gained this new family and the birth  
26 mother gained the ability to carry on with her life as if  
27 nothing had happened. But essential to all of that, was  
28 seen the principle that the two should not have anything  
29 to do with each other.

11.55 30 The birth mother, in particular, was never to know  
31 where the child had gone because there seemed to be a  
32 kind of buried recognition that she might at some point  
33 want to know what had become of it and she was not  
34 permitted to do that.



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1           There is nothing in the Act which forbids her to  
2 look for her child but everything else to do with  
3 adoption, starting with the covering up of the adopters'  
4 names on the paper she signed and later on the  
5 replacement of that by a form which did not show their  
6 names at all, everything was designed to ensure that she  
7 knew as little as possible about them and would not be  
8 able to find the child afterwards.

9           She was given very little information, for example,  
11.56 10 very general information about who was adopting her  
11 child.

12           She did, however, have to consent to a particular  
13 couple, not to adoption in general. That was the legal  
14 transaction, consenting to that particular couple. It  
15 was thought much better for the child, of course, that it  
16 should not have the confusion of more than one set of  
17 parents. Adoptive parents were taught to tell the child  
18 that it was adopted and that they had chosen them as  
19 their child but that did not extend to the child growing  
11.57 20 up wondering why it was adopted in the first place, of  
21 course.

22           So, the whole thinking was that this was an end to  
23 the relationship and legally the Adoption Act completely  
24 severs all legal relationships between the adoptive  
25 person and its entire birth family. They are replaced by  
26 the relationships of the adoptive family.

27 Q. You've mentioned content, can you take us through how it  
28 would work, in terms of a mother placing her baby for  
29 adoption, the process of that?

11.57 30 A. Well, at some point in her pregnancy, the mother would  
31 agree that she would want to have the child adopted. And  
32 from that point on, there wasn't much that could happen  
33 until the baby was born, in terms of placing it. But  
34 Social Welfare kept a file of applicants for adoption

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1 whom they had inspected and decided were suitable.

2 So, once the child was born, they would set about  
3 matching that baby. And then the mother would consent.

4 Now, in our law, she consents 10 days after the  
5 birth which had, of course, the effect that it gave her  
6 no time whatsoever to see if she could make any  
7 alternative arrangements and keep the child.

8 It was one of the shortest periods in adoption  
9 legislation around the world and it is still the period  
11.58 10 in law that you can consent in.

11 Part of wanting that short time was it enabled the  
12 adopters to take the child home from hospital at about  
13 the same time as if it had been born to them. At that  
14 stage, they did not have an interim order because she  
15 hadn't yet consented but there was an arrangement in the  
16 law that the social workers could place the child with  
17 them on a temporary basis and then they would get the  
18 order once she had consented to the adoption. She did  
19 not, of course, appear in Court. They were the only  
11.59 20 people who did.

21 Q. So, the adoptive parents were the only people who  
22 appeared in Court?

23 A. Yes, and the social worker.

24 Q. What was the father's involvement, if any, in this  
25 process?

26 A. The birth father's consent was not required, unless there  
27 were particular circumstances which the Court would judge  
28 that it would be pertinent. In other words, if he had  
29 supported the child, if his name was on the birth  
11.59 30 certificate, but mostly that was not the case. If there  
31 was some reason, they would seek his consent but  
32 generally, in law, his consent was not required at all.

33 The key legal difference between legitimate and  
34 illegitimate children, is illegitimate children have no

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1 legal father and in law they are filius nullius, the  
2 child of no-one. The father had no legal standing. The  
3 mother on the other hand was the natural mother and she  
4 became the child's guardian by default because for  
5 married couples of this period the father was the legal  
6 guardian and not the mother.

7 Q. That rule around guardianship, how is this significant  
8 for cases where the birth mother was Pakeha and the  
9 father was Maori?

12.00 10 A. The majority of Maori babies who came into the formal  
11 Pakeha adoption system were the children of Pakeha  
12 mothers and Maori fathers. In many cases of adoption,  
13 ex-nuptial pregnancy, the girl's parents would not want  
14 her to have anything to do with the father but that was  
15 doubly so where the father was Maori and she was Pakeha.

16 So, the young woman was liable to know very little  
17 about the father, she would know his name but she didn't  
18 know, for example, what iwi he was or anything like that.  
19 As I say, the fathers were generally kept out of the  
12.01 20 process but Maori fathers were particularly kept out of  
21 the process because of the - well, racist assumptions of  
22 the people concerned really.

23 Q. And how did that impact in particular in relation to  
24 Maori families where grandparents potentially would have  
25 liked to have adopted the baby or had the baby in their  
26 care?

27 A. There were also Maori social workers and when it was a  
28 Maori mother, they would usually deal with her and urge  
29 her to inform the family. So, most children born to  
12.02 30 Maori mothers would in fact be taken into the family in  
31 some way, not all but many were.

32 Where the mother was Pakeha and the father was  
33 Maori, in some cases a Maori social worker would find out  
34 and in some cases the parents would find out themselves,

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1 and frequently the Maori grandparents were extremely keen  
2 to have the baby and not to have it alienated from them.  
3 But where the Pakeha social workers were concerned, this  
4 was very strongly discouraged. There is no doubt that it  
5 was seen as a step up for the child to be adopted into a  
6 Pakeha family. And the way the adoption system worked,  
7 even if the Maori grandparents managed to go to Court or  
8 make some claim, they were grandparents, they were seen  
9 as too old, too poor and less good for the baby because  
10 they were Maori after all.

11 So, once a young woman who was pregnant was entirely  
12 within the Pakeha system, it was very, very difficult for  
13 Maori grandparents to have a say about the baby, let  
14 alone to actually have it, be allowed to have it.

15 Q. You've talked to us about the timing around the consent,  
16 the time to sign the consent was 10 days. Can you tell  
17 us about the timing of the adoption process up until the  
18 final order?

19 A. The law makes it quite clear who had the options. It was  
20 the adoptive parents who had choice, not the birth  
21 mother. She signed the consent and that was that,  
22 although the law purports to offer withdrawal, in  
23 practice it doesn't, and very few women succeeded in  
24 overturning a consent.

25 On the other hand, the adoptive parents first  
26 managed to get the baby before any order was in place.  
27 Then they would get an interim order and they did not  
28 have to apply for a final order for up to 12 months.  
29 Many applied sooner but they had that long which actually  
30 gave them time to change their minds and social workers  
31 did tell them that they had time to change their minds if  
32 they decided that this baby was not right for them or any  
33 other reason, they could do that. And a number did do  
34 that.

1 So, shall the choice was in the hands of the  
2 adoptive parents and not the birth mother at all.

3 Q. If the adoptive parents did change their minds in that  
4 period, was the baby given back to the birth mother?

5 A. Not usually. In law, although very few birth mothers  
6 knew this, she remained the child's legal guardian until  
7 the final order went through but very few knew that. If  
8 an adoption broke down at any stage before the final  
9 order, occasionally the child was adopted by somebody  
12.05 10 else and the birth mother would in that case have to give  
11 a new consent to a new set of parents but that would be  
12 pretty much the only case.

13 If the adoption broke down and, as we'll talk about  
14 later, the child entered State care for some reason, it  
15 was very rare for the birth mother to be consulted.  
16 Birth mothers would not usually know that there had been  
17 a problem with the adoption unless a new concept was  
18 required.

19 Q. Can you talk to us a little bit about the birth  
12.06 20 certificate of an adopted baby? What did that show or  
21 not show?

22 A. This is another ~~nothing~~ thing that happened in 1955.

23 The baby had its original birth  
24 certificate and the mother actually had the right to  
25 name the baby and to sign that original certificate. In  
26 my own case, it didn't always happen, in my own case I  
27 was not named, my mother was never legally asked to do  
28 that as she should have been.

29 When the adopters adopted the baby, they would  
12.06 30 almost always, would get a new surname of course and  
31 mostly it would get new Christian names as well,  
32 confirmed by them, and a new birth certificate would then  
33 be issued which made it appear that the baby had been  
34 born to the adopters, even if the baby was like, you  
know, a few months old. So, the new birth certificate

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1 was the only one officially available to anybody and only  
2 under extremely narrow and unusual circumstances would  
3 anyone have a right to see the original birth  
4 certificate. It was, to all intents and purposes, locked  
5 away. It wasn't destroyed but it was locked away. That  
6 was because in law, as I said before, the adoptive family  
7 became the child's only legal relatives.

8 Q. What was recorded by social workers, especially with  
9 regard to mixed race children at that time?

12.07 10 A. Social workers didn't record a great deal at all about  
11 the babies. What they did record was not always shared  
12 with adopters. They were circumspect about how much they  
13 told them.

14 With mixed race children, sometimes all that was  
15 known was they were mixed race. They would guess. And  
16 parents, the wrong information would be entered, they  
17 could be entered as Maori when they were Pacific, or  
18 Greek when they were Maori. You know, it's not entirely  
19 reliable. They didn't always know, partly because the  
12.08 20 mother herself, the only person with information, didn't  
21 always know what race the father had been.

22 So, in terms of what was significant to Maori about  
23 the child's connections, its whakapapa, Turangawaewae,  
24 its entire heritage, that appeared to be completely  
25 neglected if it was Pakeha social workers. I have never  
26 seen information about that and it seemed that they were  
27 completely unaware of the significance of that for Maori.  
28 They would have had to go back to the father to find it  
29 out anyway in most cases and they didn't do that. And  
12.09 30 so, their main interest was in getting the baby adopted  
31 and they knew that any degree of mixed race of any kind,  
32 but in some ways particularly Maori, was automatically  
33 going to make that child more difficult to find adoptive  
34 applicants for.

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1            Their main concern, therefore, after the child was  
2 born, was what it looked like. The files are full of  
3 comments on how dark or not children were. For example,  
4 you know, would possibly do for such-and-such a couple if  
5 not too dark.

6 Q. If we turn now in your brief of evidence to the topic  
7 "Too many babies", paragraph 18. Can you tell us what  
8 happened first in terms of demographics in New Zealand in  
9 the 1960s?

12.10 10 A. There was not a sudden shortage of adoptive parents, if  
11 anything that increased the percentage of children  
12 adopted went up to between 5 and 6% of annual births. It  
13 was high. So, people were still adopting children but  
14 the demographics meant that the baby boom, that was a  
15 large increase in the population of the age which was  
16 probably going to get pregnant, either married or  
17 unmarried, there were a lot of women who were going to  
18 get pregnant, and that was increased partly by the  
19 aftermath of the Mazengarb report which saw - believed it  
12.11 20 was all a question of fighting immorality and passed a  
21 law that children under 16 were not permitted to have  
22 access to contraceptives or information about  
23 contraceptives, so they were completely cutoff from birth  
24 control knowledge which naturally increased the number of  
25 ex-nuptial pregnancies.

26            So, for the first time the supply of babies that  
27 went for adoption, and we're talking younger, the ages of  
28 the mothers got younger on the whole, so that meant they  
29 were even less able to look after a baby on their own,  
12.11 30 that increased exponentially and that was what caused the  
31 problem. Both private homes and hospitals had a flood of  
32 babies who were supposed to be available for adoption but  
33 not enough people to take them.

34 Q. As a result of this, did market forces have a part to

1 play?

2 A. Yes. Market forces were in adoption from the beginning.  
3 The people with the most status in the Pakeha world had  
4 their pick of the children. And, as I said, mixed race  
5 children were always difficult to place but in this  
6 period, market forces really took over. Obviously, money  
7 wasn't involved but both adopters and children were  
8 ranked, not formally but informally ranked. So, the best  
9 children went to the best adopters who could literally  
12.12 10 pick and choose. They could be offered several different  
11 children. Whereas, you go down to the other end and the  
12 least desirable the child was, this was not only race but  
13 also things like any disability, red hair, simply being  
14 male children were less popular or any difficult family  
15 background. All of those things combined to push certain  
16 children down to the bottom of the hierarchy. And it was  
17 inevitable that some of those children would not then be  
18 adopted.

19 Q. Were those less desirable children referred to as hard to  
12.13 20 place?

21 A. Yes.

22 Q. Have you got a quote in your book at page 81 I think of  
23 your book in relation to a comment made by a social  
24 worker on this sort of topic?

25 A. Yes.

26 Q. The rankings.

27 A. One social worker wrote on the file, this is about, as I  
28 say, the adopters were ranked and this is about ranking  
29 the adopters, she said that "they were a very ordinary  
12.13 30 couple but okay for a C baby". In other words, if the  
31 couple was not particularly highly ranked, then they  
32 would still get a baby, everyone would virtually get a  
33 baby, but they would get one of the less well ranked  
34 babies.



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1 Q. In terms of the choice of who would get which baby, who  
2 was in charge of that decision?

3 A. The social workers were in charge of that decision and  
4 they were worked off their feet. They were making the  
5 decisions sometimes quite quickly. There was one case in  
6 my book where because, you know, New Zealanders are  
7 spread out in a rural area, they actually took to flying  
8 babies to adopters sight unseen. And in one case, a  
9 woman, a couple got a mixed race child to adopt and they  
10 discovered that that child had twice previously been  
11 flown to adopters sight unseen and both of them had sent  
12 it back because it was too dark.

13 Q. If you could turn now to your brief in terms of a  
14 snapshot of what happened to ex-nuptial children. I  
15 think you've talked about a report that was published in  
16 1976 by the Department of Social Welfare which gave a  
17 snapshot of what happened to ex-nuptial children who were  
18 born in 1970?

19 A. That's correct. Although social workers had a duty to  
20 visit all ex-nuptial children and find out what  
21 circumstances they were living in, they didn't always get  
22 round to all of them. So, it was decided that there  
23 would be an in-depth study done. At this point, Social  
24 Welfare had recently embarked on doing more research and  
25 they decided that they would make a point of visiting  
26 approximately half of all the ex-nuptial children born in  
27 1970. They almost achieved that but not quite. And they  
28 recorded the situations of the mothers and children.  
29 They interviewed the mothers, so that year that was a far  
30 better picture of what happens happening to the children.

31 Q. Did that survey adequately cover the experience of Maori  
32 children?

33 A. No. It was noted from the beginning, you have to  
34 remember that the statistics for illegitimacy among Maori

- 731 -

1 were much higher than for Pakeha but that was partly  
2 because a much higher number of Maori couples were in  
3 de facto relationships. So, many of the children who on  
4 paper were classified as ex-nuptial were actually born  
5 into perfectly stable family unions. Plus the fact that  
6 Maori, single women who became pregnant were much more  
7 likely to be helped and supported by their families, so  
8 they were in a much better situation.

9 So, those high illegitimacy figures, they were an  
12.17 10 artefact, in some ways.

11 However, they did, it was true that they did not  
12 reach a number of - the percentage of Maori mothers of  
13 ex-nuptial children born that year, there was a lower  
14 percentage of them were actually reached by the social  
15 workers, probably because they had no need of the social  
16 workers, so they had not actually come into contact with  
17 them at all.

18 However, there were some Maori mothers and children  
19 included in that survey.

12.17 20 Q. If I could now ask for the next slide to be placed up  
21 there. If I could ask you to take us through some of  
22 that?

23 A. This is the only close up snapshot we have of a large  
24 population of ex-nuptial mothers and children, and it  
25 lists the placement situation at the end of the Inquiry  
26 which could be a bit after 1970. It took them time to  
27 find some mothers.

28 So, at the end of the Inquiry, the two most common  
29 situations were placed for adoption not with relatives,  
12.18 30 in other words stranger adoptions. And with the mother  
31 not cohabiting. Interestingly, by 1970 almost as many  
32 children, well actually slightly more children were with  
33 the mother and with strangers but some were also adopted  
34 by relatives.

- 732 -

1 So, the numbers were roughly equal.

2 Then some of them, the mother had married the  
3 child's father after the birth. Quite a substantial  
4 proportion were living with the father. Some mothers, a  
5 very small number, were living with another man. And in  
6 100 cases the children were with other relatives, that  
7 was a cluster of Maori children mainly who were with  
8 other relatives.

9 Right at the bottom, you've got the small group who  
10 were effectively in State care, in foster homes, in a  
11 hospital or institution, or committed to the care of the  
12 Superintendent at Child Welfare. It is a small group but  
13 that is the only clear evidence we have of that group of  
14 children because of the vagaries of adoption, some  
15 children would end up in State care, rather than adopted.

16 Q. That was when they were aged between 1 and 24 months?

17 A. Yes, pretty much so.

18 Q. Just in terms of this topic of State care and how  
19 ex-nuptial children enter State care, from paragraph 26  
12.20 20 onwards of your brief you talk about four different  
21 pathways -

22 A. Yes.

23 Q. - into State care. Could you talk to us about those?

24 A. Yep. We don't know how exactly, I worked this out for  
25 this Inquiry. I looked at it again and worked out the  
26 possible pathways that this could happen.

27 So, some of them had nothing to do with adoption and  
28 some of them did. So, the death of the mother. Now,  
29 this is interesting. 15% of births were to single  
12.20 30 mothers but a third of all the deaths of mothers giving  
31 birth were single mothers. It was a far higher  
32 percentage than it should have been. And we can only  
33 assume that in many cases it was neglect or - it just was  
34 quite striking.

- 733 -

1 So, if that happened and there was no family to take  
2 over, the child would enter State care.

3 Occasionally, we had the phenomenon of so-called  
4 abandoned children where the mother would leave the  
5 hospital. In most cases, this was not abandonment, the  
6 mother had already agreed to adoption but not signed a  
7 consent. She was probably desperate to get away because  
8 she was in the hospital with her child whom she had quite  
9 possibly not been permitted to have anything to do with.  
12.21 10 She might have seen it once, she might have held it once,  
11 that would be it, otherwise the child was kept away from  
12 her. And that was a ghastly situation. So, the mothers  
13 were not abandoning their children, as simply under  
14 intolerable distress and they took off. In some cases if  
15 they couldn't find them and she didn't consent formally  
16 to adoption, the child would enter State care for that  
17 reason. But the State used the word abandoned.

18 Sometimes the child was placed in State care, and  
19 this could be the case I would imagine thinking of Robert  
12.22 20 this morning, of disabled children in some cases which  
21 would have been extremely difficult for a single mother  
22 to care for, but there would have been reasons, we don't  
23 know what those were but there could have been reasons  
24 why that was the case, and she consented to it.

25 On the other hand, they could be taken into care by  
26 Child Welfare and she might or might not consent to that,  
27 just as they can be today if Child Welfare found that  
28 they did not approve of the environment they found the  
29 child in for any reason, then the child could be taken  
12.22 30 into care.

31 And then you could enter State care, as I explained  
32 before, as a result of adoption failure at any stage of  
33 the adoption process, including after the final order.  
34 If the adoption broke down at that point, the child was

- 734 -

1 unlikely to be readopted, it would be too old, sometimes  
2 it was but it could also enter State care at that point.

3 Q. In terms of adoption failure per se, how common was that?

4 A. We don't know because Child Welfare did not keep any  
5 statistics or records overall of the instances of  
6 adoption failure. Concern mounted about it happening.  
7 The social workers would know that it had happened  
8 usually and they became quite concerned about it. And  
9 that resulted in a small study of 44 such cases in the  
10 60s and then a private research project by Dame Zwimpfer  
11 looked at 80 cases of adoption breakdown and that was  
12 very informative.

13 In some cases social workers had tried to prevent  
14 the Courts approving the placement or the interim order  
15 or even the final order because they had seen, in their  
16 opinion, factors which made it unwise for the adoption to  
17 proceed but they were very, very rarely entered. Judges  
18 preferred their own on the spot opinion of the couple  
19 with the child. The ~~social~~ workers recommended  
20 against an order only if they had really concrete grounds  
21 or very strong feelings but even so, they were mainly  
22 disregarded and the adoption would proceed. And  
23 those would be, of course, at high risk of breaking down.

24 Overall, the number that broke down was probably not  
25 very high but of course it was pretty disastrous for the  
26 child.

27 Q. As you said earlier, if a breakdown did happen, the child  
28 was not returned to the birth mother?

29 A. No, it was not returned to the birth mother. After the  
30 final order, of course, she was no longer her mother but  
31 even before that it would probably not be returned to the  
32 birth mother, no, unless she somehow found out and got it  
33 back which occasionally happened but very rarely.

34 Q. You've mentioned this briefly already in your evidence

- 735 -

1 but just turning to paragraph 31 of your brief, you've  
2 talked there about the 1950s and the 60s, the degree of  
3 Maoriness?

4 A. Yes. It was interesting, I didn't know this until I did  
5 this research for this, the only statistic officially  
6 recorded regarding the race of all children in  
7 New Zealand was degree of Maoriness. A quarter or less  
8 was considered to be European. But because the social  
9 workers created their own records and because mixed race  
10.25 10 they knew was such a salient factor likely to make  
11 children difficult to adopt, they did keep records on it  
12 but it was all about - it was an entirely Pakeha  
13 perspective and circled around what was likely to be  
14 acceptable or less acceptable to prospective adopters.

15 They just did not understand anything about the  
16 significance of Maori heritage at all. And the  
17 difficulties, you know, are well recorded in the archives  
18 right back into the 50s and this was well before that  
19 so-called surplus of babies developed. For example, in  
10.26 20 1956, one Child Welfare district officer explained that  
21 there was a shortage of babies of the right kind but the  
22 wrong kind wrote, "Our waiting list of those wanting to  
23 adopt is nearly 500 strong and we have only about 80  
24 babies a year to place", so at that period it was hard to  
25 get a child. "This includes all the part Maori ones, of  
26 which sort we have had and can expect to have far too  
27 many".

28 So, many mothers of ~~mixed-race~~mixed-race children,  
29 including of Maori children, knew adoption would be more  
10.27 30 difficult to achieve for their own. They were  
31 explicitly told that in many cases but, as Maria Haenga-  
32 Collins research has shown, it was shows with Pakeha  
33 mothers of Maori children who were more likely to be in  
34 that position. Sometimes Maori mothers were  
also in that position but it was less

- 736 -

1 common. So, that was awful, they were told or believed  
2 they had to have the child adopted but knew it would be  
3 difficult to find parents for it.

4 Q. And we've heard earlier in this Inquiry from Alison Green  
5 and part of her evidence was that she was referred to as  
6 having a touch of Spanish in her, is that something that  
7 you've seen in your research?

8 A. Yes. It was, in some cases, the social workers did not  
9 actually tell the adopters that the child was part Maori.  
10 12.28 They said it had a touch of Spanish. In other cases, and  
11 more commonly, they would tell the adopters to say it had  
12 a touch of Spanish and not that it was Maori, which they  
13 knew that it was. And this is just one of the strongest  
14 indications you could have of the attitudes towards Maori  
15 among Pakeha of that period, that it was something to be  
16 concealed.

17 Sometimes they could find a Maori couple to adopt an  
18 unrelated child. I gather that at Waiouru for example  
19 there were a number of Maori soldiers and their wives who  
20 12.29 adopted unrelated Maori children but this was not very  
21 common.

22 And, in any case, they did believe that a Pakeha  
23 family were better for the Maori child, if they could be  
24 found.

25 Q. If we turn now to the post-1972 environment. What was  
26 changing in New Zealand at that point?

27 A. Well, it was becoming evident that the treatment of  
28 single mothers was extremely unjust. And it also applied  
29 to divorced mothers too, women parenting alone, mainly  
30 12.29 women of course but in some cases men as well, parenting  
31 alone were in an extremely difficult position and there  
32 was growing pressure on the government to make some  
33 provision for them. Widows were already provided for  
34 because they were the deserving single parents but the

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1 others at that point were not.

2 And so, a lot of pressure for that came from social  
3 workers who saw how difficult it was for women to either  
4 give up their children or to keep them, so they too were  
5 pressing and they knew the mothers wanted to keep them  
6 and they also knew that they needed to keep them, there  
7 weren't enough adoptive parents, so they were pressing  
8 very hard for some sort of official allowance for single  
9 mothers.

12.30 10 And in 1973, the Domestic Purposes Benefit was  
11 introduced. However, it was already clear from the  
12 statistics that more and more mothers, either in de facto  
13 relationships or on their own, were keeping their  
14 children. That the DPB itself was not responsible for  
15 that trend. And so, it was, of course, however,  
16 extremely welcomed, except that quite a large number of  
17 single mothers still didn't know about it. It was still  
18 possible not to know about it.

19 And when it once again began to become apparent in  
12.31 20 the 70s that there were more couples wanting to adopt  
21 than there were babies available, this was blamed on the  
22 DPB which was said to encourage immorality and single  
23 pregnancy and at the same time it would be denying  
24 adoptive couples the child that they should have had a  
25 right to have. But that was completely untrue.

26 Q. Just looking at that trend that you've mentioned in the  
27 time prior to 1973 with the introduction of the DPB, if I  
28 could ask for the third slide to be put up on the screen  
29 please?

12.31 30 Can you -

31 A. Now, this graph shows you very clearly the trends in what  
32 happened to the children of - technically illegitimate  
33 children. You can see the top line is adopted by  
34 strangers and that started with around 40%. If you



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1 remember, I said 1962, the year of the start, was the  
2 highest percentage of adoption of babies born that year.  
3 And then it starts to trend down from about 1967, and  
4 this is the percentage of all the children. So, you've  
5 got rising numbers of children but the percentage of them  
6 being adopted by strangers goes down. And by 1972, there  
7 are more babies remaining with mothers on their own, not  
8 cohabiting, than there are being placed with strangers.  
9 It crosses just at that point. And that was of course  
10 before the DPB.

11 And then the cohabiting mothers actually goes down  
12 as a percentage but it was of an increasing number of  
13 children. And so, then it rises again and of course  
14 cohabiting gradually becomes so common that it's touching  
15 on half by the time you get to our time, so there's no  
16 point in counting who's married and who's not anymore.

17 And then the other situations at the bottom, there  
18 is the line at the bottom, those are the ones who got  
19 married. And then the other situations, that meant the  
20 ones the Social Welfare didn't know what happened to  
21 them. That's why in 1970 that drops away to nothing  
22 because that year they did known~~ot~~ what had happened to  
23 them.

24 Q. That's the year they'd done a survey?

25 A. That's right, yes. But it's very clear what those trends  
26 are. Women do not give up their children unless they've  
27 got no other option, on the whole.

28 Q. Moving now to your concluding remarks. Before I get to  
29 your comments about the adoption system in New Zealand  
30 and looking towards the future, can I just ask you, in  
31 your opinion, was the act of adoption itself, in your  
32 opinion, an abuse?

33 A. It's a very difficult question to answer but the best I  
34 can do, is to say that because the focus here too is on  
the children, I am setting aside for the moment the

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1 affect on the family as the birth family and so on. But  
2 focusing solely on the children, adoption in itself in  
3 its most basic form is simply a legal process for  
4 transferring legal parenthood but the nature of our  
5 Adoption Act makes it much more than that.

6 In the post-war era, it became a process for cutting  
7 off the entire family of the ex-nuptial child and  
8 replacing it with the adoptive family. This, I believe,  
9 can be seen as a state backed ed form of deprivation because  
10 it did deprive and was intended to, and until the Adult  
11 Information Act did deprive the adoptive person of any  
12 knowledge or experience with their entire birth families.

13 This could happen because the birth connections of  
14 an ex-nuptial child were seen as no value and that seemed  
15 to hold good no matter what status those connections had.  
16 Indeed, the higher the status of the birth family, the  
17 more important they seemed to think it was to get rid of  
18 the ex-nuptial child. So, there was no value attached to  
19 a child being connected with its birth family if it had  
20 the misfortune to be born ex-nuptial.

21 So, that position was held by I would say probably  
22 the majority of Pakeha families, and particularly middle  
23 class Pakeha families. The women most likely to give up  
24 their children for adoption were a bit better educated, a  
25 little bit better off families and placed in an  
26 institution, cutoff from other help.

27 So, this kind of deprivation has consequences. And  
28 Dr Alison Green yesterday very eloquently spoke of the  
29 consequences of the loss of those connections. Now, they  
30 particularly, they have wider and different consequences  
31 for people of Maori heritage, given the way in which your  
32 birth connections and history are such a crucial part of  
33 who you are in the Maori world.

34 But they have consequences for all adopted children

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1 and they were only partly mitigated by the Adult Adoption  
2 Act which often proved very little use to Maori because  
3 if their father was Maori and not recorded they had great  
4 difficulty finding out anything further.

5 The State codified that and sort of mandated it  
6 really because a large number of adoptive parents have  
7 written various submissions on the Adult Adoption Act,  
8 saying that they would have really liked to know who the  
9 birth mother was and share their child's upbringing with  
12.38 10 her but there was no room for these sentiments in the  
11 Act. So that, once children are cutoff from their birth  
12 families, I believe they are put at risk. Adoption was  
13 at least probably the most secure form of transfer but it  
14 was also the most complete form of cutting off. So, it  
15 was, at the very least, a deprivation and it could put  
16 them at risk later on. And the more at risk they were in  
17 our society to start with, simply by being Maori,  
18 disabled, whatever, the more likely getting into the  
19 adoption system was to put them at risk, either at risk  
12.38 20 of adoption breakdown, not being adopted, entering State  
21 care, with all the consequences that followed that. So,  
22 in that respect, it was based, it was simply based on  
23 completely wrong and misguided premises and it still is.  
24 That Act is the oldest statute in regular use and while  
25 practice has been reformed, the fact is that is still the  
26 law.

27 Q. Just on that note, Dr Else, what, if anything, would you  
28 like to tell the Commissioners in terms of that Act and  
29 the future of that 1955 Act?

12.39 30 A. The Act has been severely criticised both nationally and  
31 internationally. It does not comply in any respect with  
32 the Conventions on the Rights of the Child. It does not  
33 comply with the Human Rights Act or the Bill of Rights  
34 Act. It does not comply with informed consent even, the

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1 consent process is in no way fully informed. And it does  
2 not comply with the child's right to understand its  
3 identity and be with the family. It calls for its  
4 complete reform, it has been going on for at least  
5 20 years, longer, and at no point has any government  
6 heeded that, to the point of setting up a comprehensive  
7 reform process. So, that is extremely long overdue and  
8 it is of particular importance to Maori, Puaote-Ata-Tu  
9 too had a great deal to say about the inequities of  
10.40 10 Adoption Act for Maori. My own book there's a whole  
11 chapter on that. It is crucially important that we see  
12 the reform of that Act as part of our complete system of  
13 Child Welfare which puts the interests, the wellbeing and  
14 best interests of the child paramount. None of the  
15 adoption Acts do that.

16 **MS THOMAS:** Thank you for your evidence today, I will  
17 handover the Chair.

18 **CHAIR:** Thank you, Ms Thomas. Counsel, are there any of  
19 you who wish to address questions to Dr Else?

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**DR ANNE ELSE**  
**QUESTIONED BY MR STONE**

Q. Thank you for your evidence. In your evidence, you spoke about grandparents wanting to adopt and how the Pakeha social workers at the time said no.

A. And so did the Courts if it ever got that far, yes.

12.42 Q. This, of course, would have led to a loss of whakapapa and identity and all that entails. So, the whakapapa of the child wasn't really the focus of the whole process, was it?

A. No, it was completely ignored in the Pakeha system. It was not ignored by Maori social workers but it was by Pakeha social workers and everyone else in the system.

Q. You used the word "alienation" and ordinarily we use the word "alienation" in respect of Maori and their land being alienated. I was pleased you used that word in respect of the Maori children being alienated from their culture, their whakapapa, their hapu, their whanau, their iwi, their language, all that sort of stuff. And you mentioned as well, or you used the word "market forces" and you said the best children went to the best adopters. Now, I am assuming that the best children, they weren't the Maori children, were they?

A. No, the best children were the little white blonde Pakeha girls.

12.43 Q. I would have been sitting on a shelf for a while then if I'd been there. And the best adopters, they came from money?

A. Yes, they had more money and education and standing in the community.

Q. And were they more likely to be Pakeha?

1 A. They were almost invariably Pakeha because very few Maori  
2 families entered that system to adopt unrelated children.  
3 That was not common at all. It did sometimes happen that  
4 Pakeha families, especially as we got on towards the  
5 1970s, some Pakeha families with strong social  
6 consciences believed that adopt was helping a child and  
7 they would deliberately seek to adopt mixed race  
8 children, thinking that they were doing a good thing by  
9 doing that. So, that did also happen.

12.44 10 Q. What degree or would you agree with this comment, the  
11 whole process was controlled by Pakeha for Pakeha?

12 A. Yes, the law was entirely Pakeha constructed. The only  
13 mitigating factor was the Maori social workers who did  
14 sometimes manage to work in the Maori way with mothers of  
15 Maori children and fathers of Maori children but, apart  
16 from that, the whole process was thoroughly Pakeha.

17 Q. And there must be Maori people today walking around who  
18 have no idea who they are?

19 A. Exactly, and Maria's MA and PhD thesis is focussed very,  
12.45 20 very informatively, she interviewed people in that  
21 position and I really commend her thesis to you. She  
22 takes it much further than I can, these aspects that we  
23 are talking about now.

24 **MR STONE:** Dr Else, thank you. Thank you, Sir.

25 **CHAIR:** Thank you, Mr Stone.

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**DR ANNE ELSE**  
**QUESTIONED BY MS GUY KIDD**

Q. My name is Fiona Guy Kidd and I am appearing for the General ~~Synagogue~~Synod of the Anglican Church of Aotearoa New Zealand and Polynesia.

I'd just like to ask a question which relates to the impact on the mothers at the time of the adoption. You've spoken about the impact for the children. So, looking at it from the mother's perspective, and it seems that the peak times were 1970 in sheer numbers and 1972 -

A. The 60s. Well, no, sorry, if you're talking about adoptions, children available for adoption, it was the 60s. But, yes, the number of mothers was certainly driven right through the 70s.

Q. In the 70s, what was the impact for the mothers, both then and subsequently, of adoption, if you're able to speak to that?

A. Well, I think the impact of adoption on mothers remains throughout the entire period. To have your child permanently removed and above all never to know what became of it, whether it is happy, whether it is well. Any mothers desperately wanted to know their child was all right, that they'd done the right thing by giving it up and that it had attained the happy life they had been promised it would have. But of course it was very, most of them went through their whole lives not knowing that, until we got the Adult Information Act and then people were able to contact their birth mothers. It was an extremely severe impact. I mean, it's such a double standard. We have on the one hand, mother is held up as women's supreme, which is why married women who couldn't

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1 have children felt so compelled. And I think still do in  
2 many ways, to have a child and that was the way you did  
3 it then, you adopted one. And, on the other hand, if you  
4 had the misfortune to become pregnant and be unable to  
5 marry out of wedlock suddenly the mother was the worse  
6 thing for the child and it was her duty to give it up.

7 But given that we must, you know, we have a great  
8 deal of evidence that mothers do care deeply about their  
9 children, it was evident that this was an extraordinarily  
10 difficult period in their lives. And we have ample  
11 evidence of that which came to light through the campaign  
12 which took 7 years to get the Adult Adoption Information  
13 Act through Parliament. Birth mothers spoke out en masse  
14 pretty much for the first time about what it had been  
15 like for them to lose their childhood in that way.

12.48 16 **MS GUY KIDD:** Thank you.

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**DR ANNE ELSE**

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**QUESTIONED BY COMMISSIONERS**

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**COMMISSIONER ERUETI:** Kia ora. Thank you for your evidence. I have a question about whangai, about Maori customary adoptions. Because this practice has been going on for many, many generations but the Adoption Act doesn't allow for it or recognise it, about the risks that that might cause for children and whangai parents for their child not having a formal legal status. Is there, for example, a risk that that child could be taken out of a whangai placement?

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A. I haven't seen any evidence of children being more likely to be taken out of a placement if it was whangai. I am not sure that would be the case. I think the main consequences for whangai children and their parents, well their caregivers, were that they were - because it was not a legally recognised arrangement, and that need not be adoption. For example, the grandparents could have legal guardianship. But if they didn't, if there was no legal arrangement in place, it cut them off from everything, such as the family benefit, any financial help of that kind. And as we know, the number of grandparents caring for children is rapidly rising and they're still in a similar situation. The rules when they can get help and when they can't are very unrealistic. That I think is probably the major consequence. Social workers were not rushing in to take whangai children, that I know of. In fact, in many cases I think probably the whangai arrangement had put the child in a better situation, as far as they were

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1 concerned. So, I don't think that was necessarily the  
2 case.

3 **COMMISSIONER ERUETI:** Kia ora.

4 **COMMISSIONER SHAW:** Thank you for your evidence,  
5 Dr Else. I just have a short question, you stated  
6 in I think it was - thank you for your evidence,  
7 Dr Else. A question about your paragraph 14 in  
8 your brief -

9 A. I am sorry, I didn't catch that?

12.51 10 **COMMISSIONER SHAW:** It's paragraph 14 in your brief.

11 A. Yep.

12 **COMMISSIONER SHAW:** This is the lawyer in me speaking,  
13 so I apologise.

14 A. Yes.

15 **COMMISSIONER SHAW:** You say that where the birth  
16 father's family, especially the grandparents,  
17 wanted to adopt the child but had no standing.  
18 Could you tell me what you mean by the word  
19 "standing"?

12.52 20 A. Well, no grandparents had any standing legally. The  
21 decision to sign the consent was entirely the birth  
22 mother's. In fact, it's one of the few occasions when, I  
23 mean birth mothers as young as child could sign that  
24 consent without any oversight or anything. There was no  
25 requirement to consult anybody else in the family. And,  
26 as I explained, even the father was not normally required  
27 to consent or be involved in the decision at all.

28 **COMMISSIONER SHAW:** So, when you say "standing", you  
29 mean standing to give consent?

12.52 30 A. Well no, standing to have any say.

31 **COMMISSIONER SHAW:** Or any say?

32 A. In the matter of the adoption, yes. And they certainly  
33 had no higher right to have the child, to adopt the  
34 child. In fact the opposite really.

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1 **COMMISSIONER SHAW:** That was what I was going to ask.

2 They had no say in whether or not the child was to  
3 be adopted?

4 A. Mm.

5 **COMMISSIONER SHAW:** What right, if any, do you think  
6 they had to be potential adoptive parents?

7 A. It seems that in the case of Maori parents, they would  
8 often be put off by the social worker very early on,  
9 fobbed off, you know they would be told no, no, that's  
12.53 10 not a good idea and so on. But just on the grounds of  
11 how adopters, you see some adoptive applicants were  
12 turned down in general because they were too old or too  
13 poor or something like that. And Maori grandparents  
14 could very easily be judged on those grounds. So, there  
15 were cases where the grandparents went to Court to try  
16 and get the child and were turned down by the Judge.  
17 Unless they had a Maori social worker who was  
18 facilitating this arrangement, they were in a very, very  
19 - they were very unlikely to be able to get the child,  
12.54 20 either to adopt or whangai or anything, they just were  
21 not going to get it.

22 **COMMISSIONER SHAW:** So, these Maori families were  
23 effective disempowered from the whole process?

24 A. Yes, that would be correct.

25 **COMMISSIONER SHAW:** Thank you for your answers. I'll  
26 pass you on to the next Commissioner.

27 **COMMISSIONER ALOFIVAE:** Dr Else, thank you very much for  
28 your evidence. When I was listening, there was  
29 something that was troubling me. I've heard some  
12.54 30 other narratives in some of the private sessions  
31 that I've had the privilege of listening to and a  
32 recurring insight or a theme that's coming through,  
33 is that kids who were put in foster care, and they  
34 are now like in their late teens, mid to late

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1 teens -

2 A. I am sorry, I am having trouble hearing you.

3 **COMMISSIONER ALOFIVAE:** Kids in their mid to late teens  
4 in foster care, there was pressure put on them by  
5 social workers to be adopted by their caregivers.  
6 Are you familiar with that?

7 A. Yes. Well, the thing is, when children did not, for some  
8 reason, were not placed in adoption or adoption broke  
9 down in some way, then they would end up in foster care  
12.55 10 while they were young. The hierarchy was in foster care  
11 as well. Again, the better foster parents probably got  
12 the better babies. And foster care parents did sometimes  
13 choose, you know, want to adopt a child and sometimes  
14 they were pressured to adopt a child. And how that went,  
15 sometimes it was good but I know personally of one case  
16 among my friends, her mother had desperately tried to  
17 keep her in the hope that she would be able to marry the  
18 father but she couldn't, and the child was placed with a  
19 fairly elderly foster couple from birth. And at about 18  
12.56 20 months, she finally gave up and agreed that it could be  
21 adopted. And the foster couple who had had it from birth  
22 wanted to adopt it very much but Social Welfare decided  
23 that, it was I might say a Pakeha baby girl, decided that  
24 no it should go to a better family, a clergyman in fact  
25 and his wife, so the baby was taken away from the foster  
26 parents and I gather this was quite an occasion and  
27 Police had to be called because they did not want to give  
28 up the child. And that child was her and she had a  
29 relatively unhappy childhood and a relatively troubled  
12.57 30 life after that.

31 **COMMISSIONER ALOFIVAE:** Thank you for that, Dr Else.

32 **COMMISSIONER GIBSON:** Thank you, Dr Else, and thanks for  
33 bringing to our attention to the various UN bodies  
34 have recommended an update of the Adoption Act.

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1 One specific aspect I am aware of, is that disabled  
2 mothers do not have to consent to have a child  
3 adopted?

4 A. That's correct. Well no, it's not that - their consent  
5 can be set aside, it is not required. The children of  
6 disabled parents can be adopted regardless without  
7 requiring their consent. That was one of the points that  
8 Adoption Action, the group I belong to pushing for  
9 adoptive reform, brought before the Human Rights Tribunal  
12.58 10 and they found in our favour, that that was indeed a  
11 breach of the Human Rights Act and the Bill of Rights  
12 Act.

13 **COMMISSIONER GIBSON:** Were you aware of any of the  
14 stories of the birth mothers of the children in the  
15 circumstances?

16 A. No, I am not aware of those. I haven't come across any  
17 cases in which that took place, no.

18 **COMMISSIONER GIBSON:** Thanks.

19 A. I mean, I'm sure they did happen. I am aware of cases  
12.58 20 where the mother was in an institution, for example a  
21 mentally handicapped institution, and became pregnant  
22 with one of the other patients, and certainly in those  
23 cases there was no consent involved whatsoever.

24 **COMMISSIONER GIBSON:** Thank you.

25 **CHAIR:** Dr Else, finally myself, the Royal Commission  
26 has had evidence about people named social workers,  
27 people named Child Welfare Officers, people known  
28 as Department of Social Welfare Officers. We know  
29 that post-1972, the Department of Social Welfare  
12.59 30 and its officers developed responsibility for this  
31 area. What I'm interested to ask you is, the  
32 proper nomenclature, the proper name for those  
33 people responsible for adoption before 1972 and  
34 following the coming into force of the Adoption Act

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1 1955?

2 A. They were always called - sorry. We have to go back and  
3 remember that there was no - the Child Welfare Division  
4 was a division of the Education Department. And the  
5 people who initially acted as social workers in regard to  
6 adoption were Child Welfare Officers, and that remained  
7 the case up until the formation of the Department of  
8 Social Welfare. I just don't have the date to hand but  
9 once that happened, they became social workers. And  
13.00 10 thereafter too, there was a little more attention paid to  
11 their training because when they were Child Welfare  
12 Officers quite a number were really not trained at all.

13 So, then the nomenclature changes in that way and  
14 then of course it changes again. A special division was  
15 set up to deal with adoption within Social Welfare and it  
16 was in the early 1970s that within that division they  
17 began to introduce, or suggest at least. The practice of  
18 the prospective adopters and the birth mothers meeting  
19 each other, and that took place around that time.

13.01 20 **CHAIR:** Thank you, your answer clarifies an area that  
21 was certainly grey in my mind. May I join my  
22 colleagues in thanking you for your evidence and  
23 its clarity. And, in addition, may I make  
24 reference to your book which will be a valuable  
25 source of reference for the Royal Commission as it  
26 effects its consideration of this important  
27 sub-topic. Thank you very much.

28 Madam Registrar, this brings us fortuitously to the  
29 luncheon adjournment. Could you please adjourn?

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**Hearing adjourned from 1.02 p.m. until 2.15 p.m.**

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