

TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Responses to Historical Forced Adoptions in Victoria

Melbourne—Wednesday, 12 May 2021

MEMBERS

Ms Natalie Suleyman—Chair

Ms Michaela Settle

Mr James Newbury—Deputy Chair

Mr David Southwick

Ms Christine Couzens

Mr Meng Heang Tak

Ms Emma Kealy

WITNESS

Ms Annette Jackson, Executive Director, Statewide Services,

Ms Kylie Mussared, Head of Risk, and

Ms Libby Hyland, Coordinator, Heritage and Information Service, Berry Street (*all via videoconference*).

WITNESSES

Ms Annette Jackson, Executive Director, Statewide Services,

Ms Kylie Mussared, Head of Risk, and

Ms Libby Hyland, Coordinator, Heritage and Information Service, Berry Street (*all via videoconference*).

The ACTING CHAIR (Ms Settle): Welcome to this Inquiry into Responses to Historical Forced Adoptions in Victoria. First of all I would like to acknowledge the traditional owners of the land upon which we meet and pay my respects to elders past and present and to the Aboriginal elders of other communities who may be with us today.

I declare open the public hearings for the Legal and Social Issues Committee's Inquiry into Responses to Historical Forced Adoptions in Victoria. I would like to introduce the committee members. To my left is David Southwick, who is the Member for Caulfield, and to my right is Meng Heang Tak, who is the member for Clarinda. My name is Michaela Settle, and I am the Member for Buninyong. I would very much like to welcome Libby Hyland, Annette Jackson and Kylie Mussared to our inquiry.

I have to let you know that all evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but you should be aware that if you go outside and repeat some things, including on social media, those comments may not be protected by that privilege. All evidence given today is being recorded by Hansard. You will be provided with a proof version of the transcript for you to check as soon as it is available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible, unless of course confidentiality has been requested.

The committee is very much interested today to hear from you about your experience and your organisation's experience with forced adoption and in particular the services that you provide to people in this cohort. I will invite you initially to proceed with a brief opening statement and then there will be questions from the committee, so if I can hand it over to you.

Ms JACKSON: Thank you very much. I would also like to start by acknowledging that I am here on Wurundjeri land of the Kulin nation, to pay my respects to elders past, present and emerging and also to acknowledge that sovereignty was never and has never been ceded.

I want to thank the committee for the invitation to Berry Street to present to this inquiry and most importantly to acknowledge the courage and the determination of the many people who have shared their lived experience through both this and previous inquiries. We recognise there are different voices here that must be heard and that those with lived experience must be at the heart of our listening.

I am here today, as you said, representing Berry Street on behalf of our CEO, Michael Perusco, who is on unplanned leave, and as you have said, joining me today are Kylie Mussared and Libby Hyland, who manage our Berry Street past client services and who are here, fortunately, to assist me with any questions you may have in relation to our historical records and services that we provide through the Berry Street heritage service.

So a little bit about Berry Street. As you probably know, Berry Street is a statewide community service organisation. We provide a range of services and programs to approximately 40 000 children and families each year. The services we currently provide include, but are not limited to, out-of-home care, so foster care, kinship care and residential care; education programs, including our Berry Street school and the Berry Street education model, which is a national program; family violence programs; family services programs; therapeutic services for children who are child protection clients, known as our Take Two program; and various community programs.

Berry Street has been in operation for coming up to 145 years. First known as the Victorian Infant Asylum and established in 1877, the organisation relocated to Berry Street, East Melbourne, in 1888. It is this address that is the enduring memory of the organisation for many Victorians and that shaped the name that we now know today as Berry Street. From commencement of services in 1877 Berry Street's role and practice in serving children and families has evolved. Our history of program provision and our practice is embedded within the

context of government policy and practice theory of the day and reflects the evolving social constructs of childhood and family, amongst others, and the resultant child welfare systems and practices over the decades. Over this time Berry Street has been known by various names. Of particular relevance to this inquiry are the official names of Berry Street from the early 1900s to 1975. From 1906 to 1964 we were known as the Foundling Hospital and Infants Home. From 1964 to 1975 we were known as the Berry Street Babies Home and Hospital, and it was during this period that children were placed for adoption with families by Berry Street. Berry Street ceased to operate as an adoption agency in 1975.

Based on our own research and organisation's historical records, we know that prior to 1928 adoptions had no legal status in Victoria and agencies such as Berry Street managed and facilitated adoptions according to their own processes. In 1928 adoption legislation was introduced in Victoria, and this legislation enabled parental rights and responsibilities to be legally transferred to adoptive parents. It emphasised secrecy in adoption and sought to offer stability to the child and the adoptive parents. Based on our historical data, Berry Street arranged approximately 1070 adoptions post the introduction of that legislation.

Social attitudes to adoption and to the rights or appropriateness of unmarried mothers raising their own children continued to change over time. By the late 1950s the culture and economic situation of the time resulted in an escalation of adoptions. In the period between 1956 and 1975, according to the historical data available to us, Berry Street arranged the adoption of approximately 440 children. Those adoptions arranged by Berry Street included children who were wards of the state, children of some unmarried mothers and some children from two-parent families who for various reasons decided to relinquish their child. During that period Berry Street provided accommodation for young, pregnant, unmarried women, liaised with maternity hospitals regarding obstetric care for women and organised the placement of children who were identified for adoption with married couples wishing to adopt. At this time it became much more common that a child of a young, unmarried and pregnant woman who came to live at Berry Street would be adopted.

We have received feedback from a small number of past clients who shared with us their experience and the role that Berry Street played for them at that time, and it is with deep regret that we did not adequately support those young women to express their own wishes and make their own decisions in relation to their babies' care and allow them to be heard at that time. We know from the Senate inquiry into forced adoptions in 2012 that at some level agencies in all states and territories involved in adoption became part of a system or practice that we now know of as forced adoptions.

In March 2013 Berry Street issued a public apology for the forced adoption of children, apologising unreservedly for any pain, trauma, unresolved grief or suffering experienced by the mothers, children, fathers, adoptive parents and families as a result of any past adoption practices of the Berry Street Foundling Hospital and Infants Home, and we are happy to provide a copy of that apology if the committee would like. We recognise that saying sorry is important but is not enough. We believe it is on all of us as a society and as organisations such as Berry Street to be better than our past, to learn from what is working but particularly to ensure we do not repeat mistakes of history. Nor should we today follow prevailing practice without close examination of whether this is in line with our values and the evidence in front of us. By 'evidence' we do not just mean formal research and data but listening deeply and authentically to the lived experience of those we strive to serve. Thank you.

The ACTING CHAIR: Thank you very much for that. It was very informative, so thank you. I would like to ask some initial questions. I understand that Berry Street is not an adoption information service, and we have heard from some of those services in other groups. Berry Street, as I understand it, retain the records from the adoptions, from the foundling house, rather than supply them, or copies of them, to an adoption service. Can you explain to me why Berry Street retains those, and does this add an extra leg to the process, if you like, of somebody trying to follow their information?

Ms JACKSON: Certainly. Firstly, as a point of clarification, we do not retain our records. Due to the legislative changes in 1985, when the records became much more available to adoptees, records existing in institutions such as ours that are no longer an adoption service were transferred to the Victorian Department of Health and Human Services, as it was known then, and to the adoption information service which was established and have since been transferred from the Department of Health and Human Services to the department of justice. So all adoption records relating to 1928 onwards that we held are now in the possession of the department of justice.

The records that we do keep are where there is some information, for example, that could not be isolated from other records that does not specifically belong to an adoptee. For example, they may only have a given name of a child or there may be a photo without a name. There might be annual reports that are relevant to the time where a person may be referenced. So it is that type of information that we hold. We do hold information prior to 1928, prior to official adoption records, and people who are wishing to obtain those can apply directly to our heritage services to access those. I am happy to speak more to that, but I think in essence the key question is that we do not hold those records relating to circumstances of adoptions since 1928.

The ACTING CHAIR: Thank you. I apologise for my misunderstanding on that. Could I get clarity, then: so if someone who has been through one of the Berry Street institutions gone past would go to an adoption service, what additional records or information would they be seeking from them? Or what role does Berry Street play in that process of seeking information?

Ms JACKSON: Certainly. So we do provide and fund a heritage service by Berry Street, and that is dedicated to assisting past clients and care leavers of Berry Street and our other founding agencies, Lisa Lodge and Sutherland Homes, in order to access their personal information, and of course that is much more beyond those involved with adoption. So anybody who contacts our heritage service will be offered support when applying for their records and support when receiving their records, including if they would like a supported release, such as being in person or over the phone or in the company of a support person. We might be able to assist them to locate and access records from other agencies and make referrals to other support organisations, such as Open Place, CLAN, Link-Up and VANISH, and of course provide support regarding allegations or complaints.

So in terms of specifically the information, we have two ledgers left of information in relation to adoptions since 1928. So it might be, like I said, a single line in a ledger. So if they approach us directly or through the adoption information service, we initially provide them with the information that they need to get most of their records, which is through the adoption information service. And we would do that, depending on really what they are asking for, either just providing the details—that may be all they want—in terms of contact details, or they may actually need us to assist them in making that contact and taking that next step. Once they have reached out or been supported to connect with the adoption information service, if there is a view that there is other information that they want from us—perhaps there is the hope of a photo, for example, or even the one line in the ledger—then we would be then contacted through the adoption information system and provide any of that information through their process.

We also offer for the people to come directly and just look through our archival photo collection for possible pictures, whether it is of themselves as an infant or of a family member—a grandparent, for example. And if we do not have, in the absence of, any identified photos of the applicant, then we might include photos of a more generic nature—anything to help paint the picture of the home and its operation around the time that they were there.

The ACTING CHAIR: Thank you. I will hand over to another committee member, but just one quick question: do you have any statistics on the number of people that come to you directly versus coming through an AIS instead?

Ms JACKSON: Look, it is roughly about 40 per cent would come to us directly and the remaining through AIS. But, as I said, all of it eventually—unless it is pre-1928—would ultimately come through AIS. And I can give you some data about that over the last few years, if you are interested.

The ACTING CHAIR: That would be marvellous, thank you, yes. Now I will hand to David.

Mr SOUTHWICK: Thank you for your presentation and for appearing before us today. I am just wondering about the apology in 2013 and what that did in terms of changing your relationship with many of those families that were caught up in forced adoption. So are you seeing that there is more sort of an interaction and engagement with those mothers and children as a result of that, and do you still think that there is more work to do, particularly, if you like, from a trust perspective of being able to engage with those mothers and families and to provide some level of support? Finally, as part of all this, what additional support do you think that those families could need and Berry Street could provide?

Ms JACKSON: Okay. So I think initially I should say I was there, present, on the day of the apology at Richmond in March of 2013. And it was a powerful day, and I was honoured and saddened to be a part of that day. That being said, I was not a part of the deliberations that led to the apology itself. I think it would be fair to say that, yes, whilst we have had some contact with some of those impacted directly through forced adoption, it has not been a significant number—four or five individuals and their family circumstances. I think our intent has been how do we support and enable ourselves to be hearing what it is they have to say—not just those who were directly affected by Berry Street’s approach or practice but also those who have something to tell us. So, yes, I have had the opportunity to have some meetings with people directly involved. But I think your point or what I am taking from your question is more what are we as an organisation doing, and I think the emphasis that we are trying to make real is how do we create those opportunities for us to hear what we need to hear, not only in terms of past practice but also very much in terms of what is currently happening. So we have our lived experience consultants, for example, through our Y-Change group, who are young people who have come through the system or in other ways been directly disadvantaged, who are telling us in very real ways today about what we are doing today that we need to pay attention to, as well as reflecting on what we need to have learned from the past.

Mr SOUTHWICK: I am just wondering—sorry.

Ms JACKSON: No, no. I was just thinking I have not answered the rest of your question, but, please.

Mr SOUTHWICK: I was just wondering, as part of that—so we have had a number of people come before us, and a common issue, if you like, is that there is obviously this lack of trust in terms of going back to an agency where you have been hurt in the past. What role do you think there is for more of a collaborative approach with other agencies that were involved in terms of providing a level of service but not necessarily to the direct individual that was impacted, possibly by Berry Street in the past, as a way of moving forward? And do you think that could be part of a redress scheme?

Ms JACKSON: I think certainly the first thing our role is at Berry Street is to be very clear that we believe them. I do not think we can delegate that to others. In terms of what we can do and should be doing from a redress perspective, Berry Street has an independent redress scheme, which we developed following the Royal Commission into Institutional Responses to Child Sexual Abuse, and our board did make a decision last year to make that available to women who are impacted through forced adoption. We are still working through the policy parameters around that to make that easier to access, but it is currently part of our system. I think we would be very open to collaborating with our colleagues across the sector on how we can collectively do better.

Mr SOUTHWICK: Thank you. Thank you, everybody.

The ACTING CHAIR: Thank you.

Mr TAK: I have no questions.

The ACTING CHAIR: No questions. Thank you very much for the information that you have given us so far. Is there anything in particular that you would like to see this inquiry recommend to government to make this process better for the people that are engaged in it, be it from you at the service end or from the clients that come through? Have you thought in any way about how we can really improve the systemic approach that we have?

Ms JACKSON: Do you mean the systemic approach for those impacted in the past?

The ACTING CHAIR: Yes. Sorry.

Ms JACKSON: No, that is okay. I think clearly the need for any assistance to support recovery or the journey of recovery—I do not know that it has got an end point, but that journey of recovery—is key, and I think it is critical that the choice of type of assistance, type of counselling, timing and service provider should be the choice of those impacted rather than being predetermined by the agency or by government. I think we need to learn from the evidence about what works and what does not work with counselling. But fundamentally what we do know is the most important thing is the relationship that can be established, because there is that need for trust. I think we need to understand that, if that was me, it would be wise for me to start from a point of: ‘Why would I trust you?’. So any therapeutic response, any counselling response needs to start with an

expectation that the person coming to them is using their survival strategies that have got them this far and to honour those strategies and to help them to achieve whatever goals they want from that counselling rather than it being predetermined that there are so many sessions or particular goals that we as a system want.

I think one of the things we know is that these practices fragmented families and fragmented lives, and you cannot put those back together as if that did not happen. Whilst we strongly support the increased accessibility of counselling and trauma recovery services, we would recommend that that ability be person-centred and driven by the person in the drivers seat, who should be the person impacted. That would be our recommendation.

The ACTING CHAIR: Thank you. And anecdotally can you give us any feedback that you may have heard from clients about how the department operates in terms of the AIS? Is there anything that we can do at that end—I think I am asking that from you—and what is the feedback? Are there time issues? We have certainly heard that from other people—that things are taking too long. Is there any other feedback perhaps you could give us?

Ms JACKSON: Look, I cannot speak and I will not presume to speak on behalf of those who are seeking information. I can speak from the perspective of our staff in our heritage service. It is the context of whether the information is one line or, as we currently have, 3000 pages of a file that somebody is attempting to access. That is an extraordinary variation. That is Berry Street's experience, and so I can only imagine what the department of justice's staff's experience is in terms of the task ahead of them. Our staff have found the responsiveness from the department of justice as colleagues to be warm and responsive to our staff and the service users that we have provided that warm referral or supported referral assistance with. I am sure there are points of difference in that, but that is certainly the feedback from our heritage service staff.

The ACTING CHAIR: Thank you. I really appreciate that. I think if there are no more questions, I would like to thank you very much for your evidence and contribution today. We very much appreciate the time and effort that you have taken to present. It certainly informs us as we look to recommendations. Please be assured that everything you have told us today will really give us some issues to address in terms of creating those recommendations for the Victorian government. The committee will produce a report in the coming months, and we will endeavour to keep you updated on the Victorian government's response to those recommendations. So I thank you very much again for your presentation to us today.

Ms JACKSON: Thank you again for the opportunity.

Witnesses withdrew.