

TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Responses to Historical Forced Adoptions in Victoria

Melbourne—Wednesday, 10 March 2021

MEMBERS

Ms Natalie Suleyman—Chair

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Ms Christine Couzens

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Mr Meng Heang Tak

WITNESS

Ms Charlotte Smith, Manager, VANISH

Mr Simon Pryor, Chairperson, VANISH

WITNESSES

Ms Charlotte Smith, Manager, and

Mr Simon Pryor, Chairperson, VANISH

The CHAIR: I acknowledge the traditional owners of the land on which we are meeting. I pay my respects to the elders past and present and Aboriginal leaders of other communities who may be here 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 welcome Charlotte Smith from VANISH and Simon Pryor, also from VANISH.

All evidence taken by this committee is protected by parliamentary privilege. Therefore, you're protected against any action for what you say here today. But if you go outside and repeat these comments on social media or other platforms you may not be protected by privilege. All evidence given today is recorded by Hansard. You will be provided with a proof version of the transcript for you to check as soon as it's available. Any transcripts, PowerPoint presentation, handouts will be placed on the Committee's website as soon as it's possible, unless confidentiality has been requested.

As you're probably aware, the Committee's interested in hearing about experiences of forced adoption and in particular the services that are provided and other relevant issues. But most importantly, what outcomes you would like from the inquiry. I was supposed to introduce myself at the beginning but my name's Natalie Suleyman, I'm the Chair and the member for St Albans. To my right, is Michaela Settle MP, the Member for Buninyong, and David Southwick MP, the Member for Caulfield, Christine Couzens MP, the Member for Geelong and Meng Heang Tak MP, the Member for Clarinda. Thank you so much for being here today. Thank you, Charlotte.

Ms SMITH: Thank you very much. I'd also like to start by acknowledging the traditional landowners and their elders past and present and to particularly note and pay my respects to the Stolen Generations and their parents. So thank you very much for seeing us this afternoon. VANISH commends the Victorian Government on initiating this inquiry into support services and responses to historical forced adoptions in Victoria and thanks to the Committee for the opportunity to participate today.

VANISH was established as an independent search support service in 1989 by and for Victorians affected by adoption and is committed to their ongoing support. And we provide specialist search assistance information and support - that's our core work. We also run support groups and up until last year we provided a small counselling service. VANISH has over 950 members and a similar number of frequent and infrequent service users. Since 1989, we have undertaken 31,000 searches, approximately.

Having provided support for 30 years in this area, VANISH is well-positioned to provide advice and recommendations regarding how to assist the many mothers, fathers and adopted persons who've suffered the unbearable consequences of being forcibly or coercively separated from their child or parents and family. These practices have caused trauma to mothers, fathers and children they were separated from and intergenerational trauma to their children and grandchildren and the lifelong impacts are just not well understood among professionals or the broader community, which really makes living with them all the more challenging and isolating.

By now, you will have read and heard harrowing accounts of how church and government-run hospitals, mother and babies' homes and adoption agencies failed to tell mothers and fathers of their rights and entitlements and acquired their babies through coercion, deceit, and other unethical and illegal means. You may have heard of reports of rapid adoption where a mother was told her baby had died when in fact the infant was taken for adoption sometimes to replace a married couple's baby that died. You will have read and heard about the lasting grief, loss, sorrow, shame and hurt.

By now, you will have read and heard about the impacts on the infants who are now adults. About the fact that the breaking of the primal connection between mother and baby is experienced by the infant as a threat to survival, and this trauma hinders brain and gut development and has lifelong impacts. This together with being raised by strangers or placed in childhood institutions—whether they be loving and kind or troubled and abusive—leaves adopted people with identity issues, relationship difficulties and ongoing mental health problems such as depression, anxiety and addiction, among others.

In our submission, our main recommendations are to provide redress and an improved suite of support services; to remove barriers to access to information; and to educate medical and allied health professionals and the wider community to counter the commonly promoted fairy tale and to ensure that forced adoptions end once and for all. Specifically, we recommend there be a sensitive redress scheme—that includes the removal of the statute of limitations—so that victims and survivors can take responsible institutions to court.

We recommend the Victorian Government fund a full suite of post-adoption services for people affected. This includes specialist counselling and support groups and these services must be available for people to enter and exit as needed over their lifetime. We recommend the government address the inequities in and barriers to access to information. For example, people applying for their records should be given a choice as to whether they want a supported release and if so, who this should be with. Applications to adoption records should be subject to a time limit within which they are retrieved and released—much like Forgotten Australians, which is 45 days, I believe.

Natural parents must have the same right to BDM certificates as adopted persons so they can apply for information about their adult child's marriage, death or change of name. The current inequality particularly affects parents of daughters as it is more common for daughters to change their names when marrying. We recommend BDM waive fees for Victorians' certificates for adoption searches and fund applications for certificates from other state.

I just want to emphasise at this point that it can take somebody years applying for certificates because they don't know what they're looking for or where they're looking. So they may have to apply to all the states and each time, they may only be able to apply for a 10-year period and they may not be able to afford doing it all at once. So just get a result, get no result and on and on it goes. We also recommend that BDM establish an arrangement with VANISH that facilitates searching the registers on behalf of service users through an online portal, as happens in other states.

We recommend comprehensive interactive professional training be provided to mental health practitioners across Victoria and training and education forums be provided for allied health and community welfare professionals. We also recommend the Victorian Government promotes, and contributes to the promotion of, public understanding of forced adoptions, past practices, their impacts and this inquiry and its outcomes.

So in conclusion, I would just like to say, VANISH is passionate about serving people affected by past and forced adoption practices. We share the disappointment of the wider adoption community that the recent reviews, reports and recommendations from government bodies have not resulted in any tangible difference for people affected. Many of the recommendations of the Commonwealth Senate Inquiry Report have not been implemented and the 2016 VLRC report into the Adoption Act still sits on the shelf. So we urge the Victorian Government to show leadership in addressing the trauma inflicted on so many innocent people who have separation and adoption forced into their lives. Thank you.

The CHAIR: Thank you. Let's start with Christine.

Ms COUZENS: Thank you both for coming along today—we really appreciate your submission and your presentation. You've answered a lot of the questions that I had actually. But have you got any idea—I mean, this could be a very difficult question—but I'm interested to know what you see as being the total number of people who experience forced adoption in Victoria. I mean, you say you've had 31,000 searches?

Ms SMITH: Yes.

Ms COUZENS: Which indicates there's a lot.

Ms SMITH: Yes.

Ms COUZENS: Do you think there's a lot more out there that haven't accessed any sort of support?

Ms SMITH: Well, yes, we do. I think the Department would be able to provide the total number of adoptions. So first of all, there's the question of whether people see those, their adoptions as forced, and of course, for adopted people, they don't know or they may have the view that it was forced on them anyway. And then the other point is that 31,000 searches, they may relate to—you know, often three searches could relate to

one adoption. So someone might search for their mother, find them deceased, search for their father, search for a sibling. So 31,000 searches does not mean 31,000 adoptions have been covered off.

We do still every day get calls and emails and requests—people only recently discover they're adopted. That could be one of the reasons so - - -

Mr PRYOR: It happens at any stage of life, you know.

Ms COUZENS: Yes.

Mr PRYOR: Sometimes it's quite a shock to discover at sixty-five that your dead mother was not your mother, you know.

Ms COUZENS: Yes. And you talked about public understanding and the education around what occurred. And obviously, there's the exhibition that's been travelling around the state. The statue. Do you think there needs to be much more than that?

Ms SMITH: Yes, definitely. The statue was really a fantastic initiative and we really appreciated the support for that. As you may remember, the media coverage of the National Apology was stymied by an internal coup attempt basically. So all the media flocked off and that was a huge disappointment to the community because they really—the mothers particularly—were hoping that their children would see that and understand that they hadn't wanted to give up their child.

So I think there's more education generally about the issues, the trauma, that all parties face. And also about the services. Most people, probably 99 per cent of people who come to VANISH, say 'We'd never heard of you.' And also the fact that the government has a register, so someone can actually just put their wishes on that register, but nobody knows it exists.

Ms COUZENS: Yeah. Thank you.

The CHAIR: David?

Mr SOUTHWICK: Thanks for coming today and for your work. Can you please tell us how VANISH is funded and to what extent?

Ms SMITH: Yes, of course. So the majority of the adoption search funding is funded through the Department of Justice. It used to be through the Department of Health and Human Services for the first 30 years. We also receive funding through Open Place to undertake searches on behalf of Forgotten Australians, through a memorandum of understanding. We also received some funding through VARTA to do with donor-conceived searches through a memorandum of understanding. Those are the main—we also apply for really small grants as well, but the main bulk of our core funding is from the Department of Justice.

Mr SOUTHWICK: And in terms of some of the advocacy work - - -

Ms SMITH: Yes.

Mr SOUTHWICK: Do you ever find it's limited because your funded by government, in terms of being able to advocate for things that potentially the government's not heading in the same direction as say many of your client's might want you to head in? I'm trying to be politically-sensitive in the way that I ask that question.

Mr PRYOR: I think it's more resources really in a way. You know, the funding is very, very small. And of course, a lot of government grants tend not to cover the notion of advocacy. So the advocacy work is self-generated funds and self-generated energy largely and there is sometimes a limit to that because the resources of VANISH need to go into the main work of VANISH. I think in this area, there's not necessarily politics intruding in advocacy, I think it's really a question of having sufficient resources to provide the advocacy and community education that we know people do need and do want.

You know, as adoptees, we want people to know that the fairy tale of, 'Oh, you worked out all right,' is not necessarily the be all and end all of the story—there's a much larger story there and much larger policy issues for our future, I think.

Mr SOUTHWICK: In terms of adoption records and what have you, and legislation around what you're allowed to provide versus what many of the clients would like you to provide, how do you grapple with being able to, you know—occasionally, whatever the side of the government might be—to give them a bit of a whack and say, 'Hey, you know, we're advocating for our clients that are wanting this type of information that we may or may not be able to provide at this point in time'?

Ms SMITH: Well, I think it's a really good question. We've basically always enjoyed a very good relationship with the Department of Health and Human Services and that's continued to the Department of Justice. Obviously we are dealing with some of the same individuals and they are also working with the same cohorts so they are often aware of what the issues are. We will advocate on behalf of the issues that we're hearing from the people that we work with and we will put them forward and if we don't get anywhere, then we'll wait for another opportunity to put them forward and sometimes we will elevate them.

If we feel very strongly that something is unfair or unjust or has been waiting like the rights for natural parents to apply for records. That was supposed to go through in the 1984 legislation and they said, 'Oh well, wait a few years'. Finally in 2013, we were jumping up and down a bit about that by the time it went through. But we're obviously diplomatic in our approach with the Department because we want a good working relationship with them because we work with the same service users.

Mr SOUTHWICK: And what about in terms of being able to access private information or non-government information like Ancestry.com and other things which many of your clients may wish to access? Is that something that you think VANISH should be looking at advising people—potentially supporting if there were funding available? We've had a number of people talk about that—they're sick of waiting and chasing information. They do one search on Ancestry and they've got the information they're looking for.

Ms SMITH: Yes.

Mr SOUTHWICK: Is there a role, if you like, for that kind of information being able to be provided by an agency like VANISH?

Ms SMITH: We think so too. So there are two things—one is DNA testing. It is happening and it is kind of taking over the space anyway so we don't have much choice in that. Our concern is actually the way in which approaches have been made because they're often through e.g. second cousins, and some mothers have kept their adoption experience completely secret. So we want to be able to influence that space and provide support to people. We also want to make sure that people have applied for their records before they do a DNA test because often they don't know they can apply for their records.

But at the same time, we have clients on our books who we have done their search and done it again a decade later and it looks like the records are falsified or a false name was given and really there just doesn't seem to be any way they are going to find their relative, then absolutely they should do DNA testing in our view.

Mr PRYOR: There's a need, I think, for support. You know, support groups, education. You know, you could almost make the argument that organisations like Ancestry have a bit of responsibility too. I'm not trying to set up a red herring but, you know, you're making available to people information without thought about some of the unintended consequences—when somebody thinks, 'Oh, I've found a relative I never knew I had and heavens, that's got an implication for everything about my entire life.' And you're doing that on your own with no support, no counselling.

So an organisation like VANISH, I think, does need to be funded for those sorts of instances. But maybe there also needs to be some thought by government about the way people are able to do those searches and what the responsibilities are of people who provide the information.

Ms SETTLE: Thank you very much for your presentation and work that you do. I'm interested in the counselling space—so we've obviously heard from a lot of people that talk about, you know, specialised counselling. I understand that VANISH ran a training program looking through the lens of adoption and working with loss and trauma.

Ms SMITH: Yes.

Ms SETTLE: I wonder if you could tell us a bit about how that went, whether it was evaluated and is there any way that the Victorian Government could facilitate that getting out to the broader community? And I think also in that, I wanted to ask you about that FASS funding to Relationships Australia for the counselling. So I'm interested in the counselling piece.

Ms SMITH: Yes. Absolutely. So 'Looking through the lens of adoption in working with loss and trauma' was the name of the training and it was funded through the Workforce Capacity Development Project, which was government funding specifically for that project after the apology. It was an effort by government to expand the workforce—it's understanding of forced adoptions and how to work with people affected. We partnered up with the Medicare locals, which worked really well because they were able to promote the training and they're obviously well networked in with mental health professionals. We delivered it in 12 locations initially and yes—we had a formal evaluation. It was by Professor Yvonne Wells, from La Trobe University, she's the Director of Living and Ageing there.

So it was very positive and the main things they looked at were obviously the general feedback but also the learning, the difference between the pre-training and post-training scores and they were all very high. So people really felt that they'd learned a lot. And since then, we have basically attempted to continue that training without the money, so we have done one a year or initially I think we tried two a year and we charged a small fee and there is continued demand. We have got a waiting list now, we can't actually quite manage it. And COVID, of course, didn't help.

But I think in terms of continuing to deliver that, the person who set it up, Doctor Sue Green, is extremely knowledgeable in the area. She's been working in the area since before the 1984 Act came in. She is also an adopted person and a psychologist and she delivers a really good program that's very much appreciated and can continue to do that, and the manual is updated every year. So it's ready to go really, that training. And the way it works is the first day is for the broader audience, so GPs, allied health professionals, et cetera., and the second day is for counsellors but the counsellors have to attend day one.

But more recently, we've had more requests for just day one—for allied health professions. So we would really love to be able to deliver that in regional areas. And what's interesting as well, I'll just mention this, is that a high proportion of people who come for that training—counsellors, psychologists, et cetera—have a lived experience. So they're actually coming to learn—you know, they were attracted to the space because they want to support people who've been through what they've been through. But they also want to learn for their own benefit too.

Ms SETTLE: Sorry, the other part was about FASS funding?

Ms SMITH: So FASS was funded initially—I don't quite know how it worked—but in the post-implementation review they reported that counselling hadn't been delivered. And it was a shock because that's really what we understand that program to be for—that money to be for. I think that's been corrected now. I think they are delivering counselling and it is Relationships Australia so that's what they do. We don't have any feedback or comment on how well that's being done or any access to data about the numbers of that.

And I think probably the best case scenario would be that there's more than one provider in this space. I mean, VANISH is trusted in the space and people have been coming to us—you know, some people came to us 20 years ago for their search and they come back to us because they remember that. And when we had a counselling service running, even though it was small, it was very effective. It really assisted a number of people. And we had a Warrnambool-based counsellor and a Melbourne-based counsellor and it worked really well. It's also quite cost-effective to have somebody employed within the organisation as a counsellor.

Ms SETTLE: Why did that end? I assume money?

Ms SMITH: Yes. So what happened was we were funded for a small service within that project I just talked about—the Workforce Capacity Development Project. And then we asked for \$100,000 to add to our ongoing funding and with the support of Jenny Mikakos, we got \$100,000 but only for the year. And then the next year, we got it again but only for the year. We were really hoping that it would continue into become ongoing. But then that third year—which I guess was the year before last—we couldn't even get it for the fixed term funding for the year, so we eked out what we had to keep offering counselling. We have had to bring that to a close now sadly.

The CHAIR: You've got a question.

Mr TAK: If I may. Thank you, Charlotte and Simon, for your work and presentation. One question relating to the adoption discharge. In your submission you said that adoption discharge should be a simple process. Can you elaborate a bit more on that?

Ms SMITH: Yes—to the extent of my understanding of the courts. So I think basically what we are saying is that the application involves special circumstances and our view is that with an adopted person—often people talk about discharge as a bit like marriage and a divorce, but it's not, it's completely different because the adopted person did not consent. They did not enter into that adoption arrangement as an adult. So if they want to undo their adoption, they should be able to without having to assign any kind of special circumstances. They don't need to describe that they were abused. The point is they didn't consent to it in the first place and so they should be able to go through a process, something that's not too traumatic for them to be able to undo that.

Mr TAK: Yep. Okay. If I may, just one more question. We heard another presenter who stated that when you change your surname or given name, you know, title, maybe, superannuations and all of that. Does that have any impact?

Ms SMITH: With discharges?

Mr TAK: With discharges.

Ms SMITH: I think it would depend on—so there are cases where people have discharged their adoption but then they have ID poll changed their name back to their adoptive name because that's the name that they go by and that's more comfortable for them. They are no longer an adopted person which is rewarding for them. It gives them some satisfaction. If they do change back to their original name, then yes, they would have to look at all that. I suppose that's a bit similar to when somebody marries and changes their name, they would change bank accounts and those kind of things, yes.

Mr TAK: Yes.

Ms SMITH: I think there's a little contention around the inheritance. You know, we often hear about those kinds of concerns. I don't think in our experience that's what it's about for adopted people.

Mr TAK: Okay, thank you. Thank you, Chair.

The CHAIR: One more final question. The Committee is interested in hearing your view on integrated birth certificates. What would it mean for people who have been adopted to have an integrated birth certificate and what do you believe is preventing their introduction in Victoria?

Ms SMITH: Thank you. I would have liked to have brought a letter that we wrote to the Attorney-General at the time, Jill Hennessy, which I will provide because it included some quotes by adopted people about integrated birth certificates. And I think for them, it's just seeing the truth on one piece of paper. I also will send through a birth certificate that's cancelled. It is incredibly painful for an adopted person to apply for their records and see their original birth certificate with their real name with 'cancelled' stamped on it.

So for them to be able to have one document which is a legal document that represents their full identity—as in their natural parents and their adoptive parents with them in the middle—I think that would give—the way they describe it is in various terms according to their personal circumstances but it feels like righting some of the wrongs of living under what they consider to be a false birth certificate for all those years.

Mr PRYOR: Well, it was a recommendation of the VLRC that that be in a new act and that they found compelling arguments in 2016 in favour of supporting the desire by people to have that integrated birth certificate. But unfortunately, it's held back because no work has been done on a new act. So our feeling is that there will be further work done. But if there isn't to be work done on a new act for some time, we do believe that it's a very high priority that integrated birth certificates should be dealt with as expeditiously as possible. Because it is a commonly expressed desire by people.

Ms SMITH: In answer to your question about why it's not, we don't know. I mean, it's a question for government really. But it could be related to what Simon just mentioned, you know, the idea of a new act—it's a big piece of work. So maybe it's being held back for that. With the VLRC report there was some mention of,

you know, if it's technically possible. So there might be some technicalities involved. But it's been introduced in New South Wales. They've worked out how to do it so we should be able to too.

The CHAIR: David, one final question.

Mr SOUTHWICK: Thank you. Just in terms of feedback from a number of witnesses we've had, we've had mixed feedback in terms of the support they get from VANISH. I'm just wondering, obviously funding is an issue and, you know, funding can help a lot of things. In terms of the years, has there been different funding models or different structures in the way that VANISH has operated and, I suppose, what can be done better, quite frankly, to ensure that the service is more consistent?

Ms SMITH: Well, first of all, I mean, I don't know the feedback particularly that you've had but I will say that because of the Act in 1984 opened up the records for adopted people only, VANISH was servicing adopted people because they were coming to do their searches. And we still do, you know, a high proportion of our service-users are adopted people and I think that has created a perception amongst some mothers that we don't support them. Whereas, in fact, the mothers who come to us, we do support and they very much appreciate it. And also, I will add that we are working in a space of extreme trauma and you know, sometimes people have very high hopes of what we can do for them—very high expectations.

We get asked to provide a range of services that we just can't provide. So I know that disappointment is part of that lived experience in a way. But in terms of the funding model, I think VANISH is really, we're a small organisation and we have always run on the smell of an oily rag. We have had a lot of volunteers—especially in the early days when the searches really were looking up in the phone book and giving the information on the phone—which it's not like that now. And even the paid staff would volunteer overtime or their subscription to Ancestry or, you know, everybody's putting in their goodwill.

I think we would be better placed if we were a fully-funded service that wasn't so focussed on delivering what is in the Act—like the right to information—but actually coming at it much more from a post-adoption service perspective where it's a full service. So if someone comes to us and says, 'I want to apply for my records, I heard you can help with that,' first of all, we need to see them through the period while they have to wait. You know, they could wait six months for their records and that's a really fantastic time to work with them on preparation for what the outcome might be.

We might ask them to come to a support group and then they can hear other people's experiences and it might be that something comes up that's overwhelming for them or that they're in a difficult situation and they need counselling. So to be able to offer those things to them all at the same time as a kind of wraparound service would be, I think that would benefit them more than us just being able to do a search and a bit of telephone support.

Mr PRYOR: Yeah, right. One of the things that attracted me to VANISH was that, I was struck by the fact that it had taken on an enormously difficult task which was to be a support and voice for people affected by family separation in some ways—mothers, fathers, children, siblings. It's not a sectionalised group that's say just trying to speak up for the rights of an adoptee or a relinquishing mother or—it's actually trying to find a way of providing a voice and support for a very difficult, diverse group. So we have to work hard at that but I think in the end it's worthwhile because we do discover that there are some really common themes that emerge.

Mr SOUTHWICK: Thank you.

The CHAIR: Lovely. Okay, that concludes questions—thank you very much for taking the time to be here but also presenting your evidence. On behalf of the Committee, we also thank you for the work that you do. The next steps will be the Committee will continue to deliberate all the evidence and we will be handing a report with some strong recommendations to the Victorian Government before 1 July this year. To keep up to date, you can visit the website but also reach out to our secretariat and any member of this committee. But thank you again for your contribution to this very important inquiry.

Ms SMITH: Thank you so much.

The CHAIR: Thank you. Thanks, Charlotte. Thanks, Simon.

Mr PRYOR: Cheers.

The CHAIR: All the very best.

Mr PRYOR: Bye. Thank you.

Witnesses withdrew.