

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

Mr James Newbury—Deputy Chair

Ms Christine Couzens

Ms Emma Kealy

Ms Michaela Settle

Mr David Southwick

Mr Meng Heang Tak

WITNESSES

Netty Horton,

Renu Barnes

Marina Pavlovic-Cetkovic, CatholicCare

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Netty Horton,

Renu Barnes, and

Marina Pavlovic-Cetkovic, CatholicCare.

The CHAIR: I acknowledge the traditional owners of the land on which we are meeting. I pay my respect to their elders past and present and the Aboriginal elders of other communities who may be here today. I declare upon the public hearings for the Legal and Social Issues Committee's Inquiry into Responses to Historical Forces Adoption in Victoria. My name is Natalie Suleyman, I am the member for St Albans and the chair of the Committee.

To my right, is Michaela Settle MP, the Member for Buninyong, and David Southwick MP, the Member for Caulfield. To my left, Christine Couzens MP, the Member for Geelong, and Meng Heang Tak MP, the Member for Clarinda. 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 if you go outside and repeat the same things, including on social media forums, those comments may not be protected by this privilege.

All evidence given today is being record by Hansard and you will be provided with a proof version of the transcript for you to check as soon as it is available. Any verified transcript, presentations or handouts will be put on the Committee's website as soon as possible, unless confidentiality has been requested. The Committee is very much interested in hearing about your experiences and ideas about forced adoption, in particular the services and any outcomes to include in the report. I now invite you to proceed with a brief opening statement to the Committee, which will be followed by questions from members.

Ms HORTON: Thank you very much for the opportunity to speak with you this afternoon. We would also like to acknowledge the traditional custodians who have cared for the lands and waters for thousands of years and pay our respects to elders past, present and emerging. I am Netty Horton, the executive director of CatholicCare Melbourne. I was appointed approximately three years ago. Just for clarity, on 1 January this year we merged with CatholicCare Sandhurst and Centacare Ballarat and we became CatholicCare Victoria. In between the submission and now we have changed our name and my position has changed slightly.

Accompanying me today is Renu Barnes, manager of community programs, including our adoption program. Also, Marina Pavlovic-Cetkovic, senior administrator with adoptions and permanent care. I am hoping that I can answer any of your organisational or high-level policy queries or comments, but I actually thought it might be really useful for you to speak and hear directly from Renu and Marina because they are our frontline people responding to inquiries from those who are seeking information about adoptions.

Just briefly, Renu has been with CatholicCare for 12 years and, interestingly, was involved in adoption services in the UK for the previous seven years—so she sometimes has some interesting reflections. Marina has worked for us for 11 years and is responsible for providing all the initial information to people, assisting with registration, searching the archives and preparing files for the release of information. I thought they might be able to provide the level of detail.

I know we have got to focus on the inquiry on the support services, but I just would like to say something if you will let me about the historical forced adoption system in which the previous organisations of CatholicCare played a part. Obviously, prior to attending today's hearings I have been able to read the submissions made to the inquiry. As you have heard and seen, the pain and the grief conveyed in those submissions by mothers who were forced to give up their children is very clear and very palpable. Over the last three years, I have been able to read from some of the records that we hold at CatholicCare over eight decades of involvement in adoption services. As I am sure you can imagine, the files make very difficult reading because the practices and systems of those times are very confronting for anyone, but particularly if they are involved in providing adoption services today.

So it is very clear that some of the policies and the practices of that time carried out by the previous organisations to CatholicCare and our partners prompted to the adoption of young, unwed mothers' babies by married couples. I think we acknowledge that this was too often at the expense of those young women's own rights and wishes and dignity and that the historical policies and practices were sometimes misguided and cruel.

They have had, and continue to have, a profound and ongoing impact on the lives of women, their now adult children and other family members.

Whilst we cannot change what has happened in the past, I think what I always say to our staff is that we have to ensure that the services that we run today, and our response to those who seek information today about their past, are provided as fully and as sensitively as we are able to. With this in mind, the adoption information services provided by CatholicCare today focus on providing as much support as possible. I think that is something I hope you will take the opportunity to ask Renu and Marina about. Where we receive a request, we try and develop a relationship with our client which enables them to be provided with the record details, but also, and you would have heard from others, that contextual information and the support and preparation and sometimes mediation in reunification processes.

Sometimes you pick up a file and there is very little information there and that can be just—not just disappointing—so very hard for a mother or an adoptive child to read. It might be that the information was not gathered for lots of reasons, but we recognise, fully, that those individuals might require additional support not only from CatholicCare but all other appropriate agencies. Obviously, that is their choice.

I would just like to quickly make a few observations and then I will mention the birth mothers that we see. I would have to say that these are not all, these are general observations about mothers that come to us seeking information. Most of the women that came to us are married and were young in their teens or early twenties when they relinquished or gave up their babies for adoption. Most of them relinquished their first child, but I have certainly read files where there were several children involved.

Most had no choice. The social context for them, for women, was they were not supposed to have sex before marriage. Contraception was only available to married couples; abortion was illegal. Government financial support for single mothers only started in 1973. Young single mothers were expected to obey their parents and especially their fathers. Most, but not all that came to us, were from Catholic families. Even today, and it is something we hope we have time to speak about, young and unmarried women from some conservative communities or religious backgrounds deny or hide unplanned pregnancies and give up babies rather than face ostracism from their communities.

All the birth mothers, and occasionally birth fathers, who request adoption records want to know what happened to their child and if their now adult child can be found they want to try and have contact with them. They all need to have their birth and other memories about that time and their feelings when they gave up their child and their hopes for future relationship with the now adult child. They need to be heard and understood by counsellors who can help them interpret the written records and provide the extra contextual information.

Sometimes the hopes of birth mothers do fit with the wishes of the adult child but more often they do not. So the wishes of the adult, the adopted adult, are widely different to the expectations of their birth mothers. We find that we need to provide, or they need to be provided with, lots more support than is normally allowed for in the time. I will not read all of this out but I would just like to share a couple of case studies with you—is that alright?

A woman now in her eighties relinquished her baby when she was aged nineteen after her boyfriend changed his mind and disappeared after they planned to marry. Her parents arranged for her to come from their country town to the Carlton home, St Joseph's, for pregnant, single women, and they made it clear that she was to give up her baby for adoption. She came to us because she wanted to find her daughter and explain to her how much she had wanted to keep her. I am sure you would have heard those stories as a point of this inquiry.

The Adoption Information Service social worker found and contacted her daughter who agreed that the mother could send her a letter via CatholicCare. Her daughter then wanted no further contact, but emails from a young adult granddaughter, and a subsequent photo provided by the mother, was possible for a short time. While relieved to know that her mother had had a happy life, the daughter's refusal to have direct contact or further indirect contact was obviously heartbreaking.

I will just read one more to give you an example of the sorts of very different circumstances and cases that we hear of and try and assist people with. A woman who is now in her seventies was sent interstate by her parents to board in Melbourne as a pregnant eighteen-year-old. Her parents opposed her and her boyfriend's wish to marry—her boyfriend was physically attacked by the father when he requested permission to marry her. The woman was told she would be disowned by her family if she kept her baby. The Adoption Information Service

social worker located and contacted the daughter. The daughter was interested in getting information via CatholicCare about her birth parents' background, appearances and health, and eventually did agree to the birth mother's request for a photo of herself. The mother hopes in the future her daughter will want more contact, but for now just values being able to send her daughter a birthday card each year.

Clearly, we are happy to respond to any of your questions or try to. We identified a number of areas which could interest the Committee. One is around the process of obtaining the adoption records as defined in s102 of the Adoption Act and also the s87 interview which is required by anyone seeking adoption records. Also, just the nature and comments which, I guess, we have touched on: the nature and frequency of requests, the gaps in the service, the time delay sometimes in accessing information and the support and assistance offered by us and other agencies which we think is really important for women seeking those records.

We made some recommendations in our submission. I would just draw your attention to the one that is just a worrying, niggling trend for me, which is about what would seem to be a growing number of inquiries we are getting in our adoption counselling service from international students. Forty per cent of the inquiries from the 22 women that came to us in 2020, nine were from international students. It may be outside the scope, but we feel that is something that we should note and perhaps think of things that we need to do to assist them.

Ms COUZENS: Thank you for coming along today. We appreciate your input and your submission. I just wanted to make comment on some of the things that you raised there about women giving up and relinquishing their babies. For much of the evidence we have heard, they would say they were stolen from them. So I think the language is a bit of an issue. The statement, 'unmarried, young women', whom I am assuming you mean should not be pregnant, is really blaming them for the fact that their children were stolen. We have heard evidence that they were drugged, strapped down and that their babies were taken from them while they were still unconscious from drugs. You know, there is whole lot of evidence that indicates that they have not freely given up their babies.

Ms HORTON: Absolutely.

Ms COUZENS: I suppose, one of the questions I have is about the 2012 Senate inquiry. It was recommended from that inquiry that governments and non-government institutions that administered adoption should issue formal statements of apology that acknowledge practices that were illegal or unethical. I am wondering whether CatholicCare has issued a formal apology?

Ms HORTON: We have a draft apology that I have put to the Archdiocese and the new CatholicCare Victoria Board. I expect that to be published very soon.

I will take up your previous comment. I hope I gave no impression other than to—I have read enough files and I would completely agree that there were many women whose babies were taken away from them, but we dealt with a lot of adoptions and, to be honest with you, I am still going through records and making observations about that.

Ms COUZENS: In terms of that formal apology, how will you deliver that?

Ms HORTON: We will have a written statement. I do not want to use COVID as an excuse here, but if things had been slightly different I would have hoped to discuss it with some of the key groups who represent women who are part of forced adoption. I think, like we do in our other services, we try and hear the client voice and so I would discuss it with them in what I think is an appropriate way. Obviously, at a minimum, it would be published on our websites and those sorts of communications.

Ms COUZENS: Okay. Thank you.

The CHAIR: I just have one question. The CatholicCare submission mentioned that there was a sharp decrease in requests for adoption information between 2017 and 2018, do you have any updated figures for 2019 and 2020?

Ms HORTON: Yes, have you got those, Renu or Marina? If not, I can take it on notice and I will get it back to you, sorry.

Ms SETTLE: I am just interested to hear, as you suggested we might be, about the information service and how it operates and the sorts of time people need to wait to get their information back and what sort of support services operate around that process.

Ms BARNES: Basically, the Adoption Information Service is a voluntary service first and foremost, and any enquiries that come to us initially go to Marina first. The reason for that is that Marina is the one who is responsible for taking the registration details down for everyone. Once that piece of work has been completed, Marina starts collating the relevant documents. Marina can explain that in a little bit more detail, but the process in regards to how long people have to wait depends on many, many factors, and one of them is getting the records from the court which we have no control over because that can take a considerable length of time.

Once all the documents are in our possession, it is only then that we can actually put a file together and contact the particular person—whether it is the birth mother or an adopted adult or whomever it might be. From there, because I am not going to focus too much on the administrative side, I will talk to you about how the legal side actually operates.

Under the Adoption Act there is something known as s87 which is an imperative piece of legislation for anybody who is wishing to access their documents. The purpose of it is not only to solely provide that in order to do the interview with the person, but it is also to ensure that they can use the s87 interview certificate that is given to the person once their first interview is completed. That enables them to use that for the purpose of accessing—if it is an adopted adult in particular—their birth certificate for example, and any other documents they want to have access to.

The reason we use s87 interview within the Act is to ensure that we are interpreting the records appropriately, sensitively and accurately. That interview is essential. Everybody has to have it, regardless of their status. There are many, variables I suppose to people receiving a s87 interview. I can give you some examples quickly. One, first and foremost, could be the birth mother, the adopted adult, a child of an adoptee, a natural relative, the underage adoptee or the adoptive parents.

The only two people who are entitled to receive identifying information from their records are the birth mother and the adopted adult. In 2013, the Adoption Act was amended whereby it entitled the birth mother to have all identifying information about their child that would include the adoptive parents' name, their address—their last address, I should say—and any other significant details about their child.

Prior to that, legislation had changed somewhat and it actually restricted birth mothers accessing identified information. I think that was quite detrimental and unfair to them because they were not receiving enough information about the background of their child. Whereas now, they receive everything, and so do the adopted adult.

Ms SETTLE: When you began, you said that it is around interpreting the information. So, are you deciding what information?

Ms BARNES: Not really, well, it depends. Sorry to confuse you. The adopted adult, as I said, and the birth mother, are the only two who get identifying information from their records. Everybody else receives non-identifying information; they are not entitled to receiving everything that is in the records. So when I say 'interpreting the records', there is often very sensitive and emotive information within these records

As a counsellor—which is another process in itself because we have to be gazetted by the Department of Justice to actually provide what we call counselling to these clients—we are very mindful about the nature and the purpose of why they are there in the first place. Secondly, we try to ensure that we are relaying information in the most sensitive way possible. We have had cases whereby the mother may have conceived through incest. How do you relay that information to the birth mother at the time, make sure she is okay and ask if she wants to have a support person present? That is something we always extend to everyone. It is also their right to bring somebody through. We also follow that up further by checking in on them, as well as making sure that we can suggest that they need to have counselling to identify that as well.

Ms SETTLE: But it is the parent or the child; they do have full access to their files?

Ms BARNES: That is correct.

Ms SETTLE: So there is not an interpretation of what they should have from those files?

Ms BARNES: No.

Ms SETTLE: So is it providing the support?

Ms BARNES: Absolutely. I have to mention that there are sometimes situations where the adopted adult, adoptees, I should say, that may have gone on to adopt other children. So certain parts of the information on their file might be inappropriate for them to have and the reason for that is they are not entitled to read third party information.

Mr SOUTHWICK: I am just wondering, in terms of those that make record inquiries, what about those that do not want to have direct contact with you from a historical perspective. In that situation do they use a third party? How many of inquiries would be through a third party as opposed to somebody that come to you directly?

Ms HORTON: That would be through lawyers.

Ms PAVLOVIC-CETKOVIC: I can answer that. I am Marina Pavlovic-Cetkovic, administration officer for adoption and permanent care. Very occasionally we receive a request from a lawyer, for example, acting on behalf of a client and requesting records. Unfortunately, I have to say to the lawyer that we have to provide records to the actual person the records belong to. The reason is a legal requirement from the Adoption Act that the person needs to have a s87 interview which is a short counselling session. So that is why we need to actually see the person and even the person needs to receive counselling directly.

Mr SOUTHWICK: I suppose the follow-up is that I am sure that there would be a number of people that would be quite hostile to the situations of the past and, therefore, would have difficulty, would have counselling with you as part of getting those records and—

Ms BARNES: I have not dealt with many of those situations as such, but on occasions where that has happened I have had to work closely with my colleagues in Department of Justice to seek their advice because they are the governing body as it were. As Marina mentioned, it is a legislative requirement. If they do not have the s87 interview it actually restricts them from accessing other information they might want. So it is something that we have to try and explain to the individual at the time regardless. We acknowledge their angst and frustration. However, what we try and convey to them is that we are not trying to withhold information from them, we are just trying to assist them access the information.

Ms HORTON: But I think your question is actually around if there is ongoing counselling and support required and not, understandably, through us—is that right?

Mr SOUTHWICK: Not through you, but through another—

Ms HORTON: Then we make appropriate, we make referrals to other organisations.

Ms BARNES: We also work closely with VANISH, on occasion, and Relationships Australia have been involved as well and other agencies. We often work closely with the Department of Justice because we may have an enquiry from the birth mother and they might be working with the adopted adult. We work very closely with them as well. We also identify any other appropriate counsellors who, I suppose, have adequate knowledge and understanding about historical forced adoptions.

Mr SOUTHWICK: One last question if I may. What is your view of a redress scheme as part of the process going forward?

Ms HORTON: We have had, to my knowledge—and I have been here for three years—from what I can track through the history about six or seven cases of forced adoption that came directly to us. I am just thinking around the redress scheme for victims of child sexual abuse. Obviously that is the Archdiocese not us. From a personal point of view, I certainly think it would be of interest to consider a redress scheme.

The CHAIR: Just one final question, how does CatholicCare go through options and counselling for mothers today who are considering relinquishing a child? What are some of the options or support services?

Ms BARNES: I have got many, many stories I can tell you of that one. First and foremost, I am very grateful that the legislation changed and that the rights and the entitlements of those parents is much more available to them. One thing I would say to you is that having a different cultural background myself, I am very proud that of my team and that we very strongly adhere to promoting cultural identify for a child.

There is training for our adoptive parents to ensure that they keep the child's original birth name. A lot of agencies tend to encourage their parents to change it, but I do not actually approve of that. Whether or not they change it and just cited it later on down the line; I cannot control that, but that is something we advocate for.

As Netty mentioned earlier, we have had quite a lot of enquiries lately, and over the years, from international students. I specifically managed an options counselling in the parents' birth language. That enabled them to understand what their rights were and made the process a lot easier to comprehend. They were from a country where adoption processes were not as proscriptive as they are over here, but they chose not to keep contact with that child. I actually encouraged them to put something down on the paper, because I think something we do focus on is ensuring birth parents have an absolute understanding about their rights as birth parents.

Birth parents' wishes are something we strongly try to promote and contact is something that we really try and advocate strongly for and promote, both pre-adoption and post-adoption. It is to ensure that when these young women who come to us from overseas, in particular who may have not informed their families that they have had a baby, that if they chose to come back to Australia at any time that there will be adequate information on their file to state that they expressed the wish to not only have direct contact with their child, but also what we called information exchange, whereby the mother can send us cards for the child or vice versa. Sorry, I have lost the gist of part of your question; could you repeat it again?

The CHAIR: I just said the options for counselling and ensuring that birth mothers feel a bit more supported.

Ms BARNES: Yes. Just in addition to that, going back to focusing on particularly women coming from overseas—and they are mostly international students, these young women that we work with—we are aware that they have very limited funds, so we try to assist them through our emergency relief funding. We also work very closely with charity organisations to see if we can get some money to support them.

We also work in a way which we call a wraparound service model. Where I am based we have seven other programs, one of them is called Integrated Family Services. The role of Integrated Family Services is to work with vulnerable women within the community, such as the ones that I am talking about, and providing additional resources to the mother, particularly if she chooses to keep the baby.

We go out of our way to make sure that we have identified someone else to do some outreach work. We still remain involved, of course. Generally speaking, I would say that the support services we focus on is financial, counselling, mediation and ensuring that the birth mother is safe at all times. She may not have any accommodation and, again, international students who come here often do not have a fixed abode, we find accommodation for them to stay in until they have had their baby. Even following the birth of the child, we make sure that they are in a safe place.

Counselling is something that we absolutely do believe is essential for them, because they are extremely vulnerable, English is often not their first language. I am very privileged to have a very diverse staff composition, where I have got staff from a various backgrounds, Vietnamese, Spanish, and so on. So, we have been able to communicate with the parents in their respective mother tongue and I think that is essential.

I think that, first and foremost, for us it is very important to remember when we get that phone call from the hospital that we make every effort to go out and visit the birth mother whilst she is in hospital before she has given birth, just to make sure that she has got some support. And if she does not, there have been occasions when the birth mother has requested for one of the staff members to be present during the time she is giving birth to the baby, because she does not have anyone. One of my staff members has been present during that time. We do not talk about adoption, we talk about keeping the baby. That is what our first port of call is to explore; if the parent can keep the baby as oppose to adoption. That is the last resort, absolutely.

Mr SOUTHWICK: What numbers are we talking about?

Ms HORTON: It had 34 registrations for adoption information services in 2020, which relates to the first question. We had 22 clients for what was called the options counselling, and 18 proceeded to counselling, and from those clients, four children were placed, from those 22 initial clients. There is data on hours of counselling—many thousands of hours spent in that process. It is, I suppose, quite an intensely involved process.

The CHAIR: Can I just ask just that you follow up on that. So, let us have the next stage being the birth mother chooses to relinquish the baby. Does the birth mother also take part in the process of the adoption and choosing?

Ms BARNES: Absolutely, yes

The CHAIR: Could you talk about that?

Ms BARNES: Yes, of course. I referred earlier on that it is quite a protracted process for the birth parents. It is a lot for them to understand if they decide to pursue with adoption. We are obliged under the Adoption Act to ensure that we have at least three, if not more, counselling sessions with them. The purpose of those counselling sessions is to explore what their wishes are and the wishes are not just solely about contact. The wishes are also about if the birth parent is of another background, a cultural background, they might wish for us to consider a family who resembles her own kind of cultural background or similar. Or they might want to say, 'I do not want to have them be from my cultural background. I would prefer for you to place my baby with a couple who are not practicing my religion, or from my cultural background', and so on.

There is a very specific form that is used. I think I have got a sample of that form here if you wish to have a look at it. It is a blank one, luckily.

The CHAIR: Is it the case that you still have a requirement that the adoptive parents, or potential adoptive parents who are applying, need to state their religion?

Ms BARNES: Not necessarily. We do have parents who say to us they are agnostic or non-practicing. We do not judge anyone due to their religious background at all. That is not a stipulation for us that they have to be Catholic or they have to have another specific religion. I think that is one thing that coming.

Coming back to your other question about the selection process. The selection process for a birth parent to choose a family is one that is slightly different now. It used to be held by me, because I used to be the guardian of the child. Under the current adoption reform that is now sitting with the Department of Justice, what they will do is have specific families and do a complete and non-identifying profile of those families. Those profiles will be given to the birth mother and then she will make a selection from those profiles. If she does not feel that any of those families are appropriate, she can request additional, different profiles and it will be at her discretion. There have been occasions when I was the guardian, that the birth mother did not wish to be involved in that process, and how I made the decision to select a family was in accordance with her wishes. That is the form we use and complete and I would say that is how we identify the family or for the child.

Ms SETTLE: I just have a very quick question, which is back to the forced adoption. We had a couple of people who have suggested that there was a great deal of problem in getting records, or that records were destroyed—not in its current context. You commented that some of them were very rare. I am interested to understand what the integrity of your records. Are we talking about a lot of people being told there is nothing there, or, do the majority of them get the information they request?

Ms PAVLOVIC-CETKOVIC: The vast majority of people would get the records. There is an onsite and an offsite archive, an external archive, and there may be 19 000, almost 20,000 records kept there. It comes to 10 000 adoptions in the past, in the 1960s and 1970s, before that. The vast majority would get their records. I have been with CatholicCare for 11 years. Maybe only, I do not know, I came across a case that records were lost—or maybe one, a couple of times.

Ms HORTON: I think I was more referring to—sometimes it is very brief.

Ms SETTLE:—scant information, yes.

Ms PAVLOVIC-CETKOVIC: This is due to the records not being kept to the standards of today.

Ms HORTON: Renu, you might be able to elaborate on this. One is that, in terms of when prospective adoptive parents are seeking to adopt a child, the information about that is—I think it used to be shared between the four adoption agencies, so each adoption agency would literally take it in turns to run an information session for anyone that was registered in all of those for anyone that had expressed interest across the four agencies at that time. So it was a fairly open process.

But the other thing that I assume that you have already spoken or will be speaking to the Department of Justice and Community Safety. They are, from the proposed reforms, which I think we have not seen the final version of yet, but I know that they are very—one of their issues is they are very conscious of the culture of the child and the birth mother and how that translates to if the child is then adopted. It could potentially be in accordance with the birth mother's wishes, or not. I am actually not quite sure. I do not think we are sure from the reforms to have seen yet how that is going to play out in the future.

Ms BARNES: What I would say is everything is much more prescriptive in my practice. Everything we discuss with the birth parent is all documented and signed, and I regularly audit my files and the language is always extremely sensitive. So that if ever the child, who being an adopted adult, wishes to come and access their records they would know exactly why that particular decision was made and what we did to ensure that the birth mother had an adequate understanding.

Again, I refer back to the women that we work with from overseas. We are very cognisant of the fact that at some stage they may return to Australia and they may wish to have some contact with their child. Therefore, we want to ensure that everything is done for them to be able to have that reconnection with their child.

The CHAIR: Lovely.

Ms BARNES: And vice versa.

The CHAIR: Thank you for being here and the work you do. The next steps are that the Committee will deliberate on the evidence. We will provide a report to parliament before 1 July this year with some strong recommendations. Thank you very much for your input on this important matter.

Witnesses withdrew.