

T R A N S C R I P T

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

WITNESS

Elizabeth Edwards, Adoption Origins Vic. Inc.

WITNESS

Elizabeth Edwards, Adoption Origins Vic. Inc.

The CHAIR: Good morning Elizabeth. I'll get a start with the formal proceedings. I acknowledge the traditional owners of the land on which we're meeting. I pay my respects to their elders, past and present, and the Aboriginal elders 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. My name is Natalie Suleyman, the Member for St Albans and the Chair of the Committee.

To my left is Christine Couzens, the Member for Geelong. We also have Meng Heang Tak, the Member for Clarinda, and to my right is Michaela Settle, the Member for Buninyong and David Southwick, the Member for Caulfield.

I welcome you, Elizabeth Edwards, to the public hearing today. All evidence taken by this committee is protected by the parliamentary privilege. Therefore, you're protected against any action for what you say here today. But if you go outside or repeat the same things, including on social media, those comments may not be protected by this privilege. All evidence given today is being recorded by Hansard. You'll be provided with a proof version of the transcript for you to check as soon as it's available. Any verified transcript, PowerPoint presentations or handouts will be placed on the Committee's website as soon as possible, unless confidentiality has been requested.

Ms EDWARDS: Okay.

The CHAIR: Please be aware we have Holly here with us today, and Holly is from Carfi, an external provider of psychological support services. And she is available to talk to you at any point during the proceedings.

Ms EDWARDS: Thank you.

The CHAIR: If you wish to take a break today, we're within your hands today. We also can put you in touch with Carfi and other services at a later time, should you wish. The Committee's very much interested in hearing about your experience of forced adoption and the services you have used, but most importantly, what you would like from the inquiry.

I know it's challenging to be here. So, we truly do value your time and effort for being here today. So, thank you so much Elizabeth.

Ms EDWARDS: Thank you, minister.

The CHAIR: Natalie will do.

Ms EDWARDS: Natalie.

The CHAIR: Thank you.

Ms EDWARDS: Okay. I'd like to thank you all for this opportunity to be here today. When I wrote my personal story to you, I was under a lot of strain. My son had just been killed and I was getting over that. It was a workplace accident.

The CHAIR: I'm sorry to hear that.

Ms EDWARDS: It was quite emotional. So, I think I reverted to my 18 year old self, when I lost my baby. So, I've amended that story and I've put it in the folder today. So, I'd like to read it.

My name is Elizabeth Edwards, and this is my personal experience of my baby being stolen in a labour ward, and then all the information which would allow my husband and myself to reclaim our legal child being withheld.

In 1963 I was Elizabeth Toohey and employed by [REDACTED] [REDACTED] as a nursing assistant at what was then registered as Vacluse Hospital Moreland Road, Coburg. I worked on a full pay until the day prior to going into labour

with our first child. This was my day off. I was engaged to be married to William Edwards, who was fully employed as a tyre fitter for KL McKenzie, Ballarat Road, Footscray.

Dr [REDACTED] and Sister [REDACTED] were in attendance as my baby's head crowned, however, their voices became distorted. I was to learn this was because they had increased the amount of nitrous oxide, so as to render me unconscious for the birth. When I awoke, I had delivered our baby. However, she had been removed from the labour ward. It was 21 November 1963.

I requested her, but the doctor replied that society would forgive one mistake. He then turned on his heel and left the room. I was very groggy, and when the nurse returned, she administered a peri wash, and I was placed on a trolley and transferred from the maternity section to a private room in the medical surgical side of the adjacent building, which was run separately to the maternity wing. Bill—William was not informed of the birth of his child. He had been with me throughout the pregnancy.

My terms in employment required I stay at Vacluse several nights a week. The rest of the time, we lived together in his bungalow at [REDACTED] [REDACTED] [REDACTED] [REDACTED]. We were aware that my mother wanted the baby to be adopted, however, we thought that she would change her heart when she saw our baby. Sadly, she didn't. I was to learn many years later that our youngest aunt was my mother's child. My mother went to her grave without telling anyone, not even her daughter.

Bill had lovingly supported me throughout my pregnancy and he was quite prepared to financially support our baby as he did 12 months later. We were married by that time and we had a son, [REDACTED].

I recall being administered sleeping drugs and relaxants, as well as stilbestrol, although I was unaware of its—of the insidious effects—side effects. I was not informed that it was to dry up my milk.

I slept most of the time until my parents arrived at lunchtime the next day. Then shortly after, a tall thin man followed and addressed my parents. This was the matron's solicitor, [REDACTED] [REDACTED]. I was told that Bill would go to jail for carnal knowledge if I did not sign the papers giving consent for our baby to be adopted. I had turned 18 on 11 November 1963, so this was a lie. I had not seen my baby and I was feeling alarmed for Bill, therefore I signed.

We were not aware of our legal rights. But Matron [REDACTED] and [REDACTED] [REDACTED] the solicitor who took the consent, as was Dr [REDACTED] and Sister [REDACTED] and the nursing staff at Vacluse. My parents would also have been fully aware of how they had breached the Adoption Act and the rule to the act. This is a point of interest. The nursing staff, as well as my parents, always referred to The Baby.

They de-personalised my maternity. Later, Bill told me that during the days after I gave birth to our baby, my parents, in particular my mother, bullied him. They even threatened his personal safety if he impregnated me again. On 11 November 1962, 12 months prior, on my seventeenth birthday, both sets of parents had given Bill and I their blessing for our engagement. Although, my parents' requirements included our agreeing to be married in the Catholic Church and educating our children in Catholic schools, also baptise our children in the Catholic faith.

And we both agreed to their request. Bill's parents did not request any terms. When our daughter was three weeks old, I received her birth certificate in the mail. It recorded her as Unnamed Baby Toohey, illegitimate baby of Elizabeth Toohey. We had not seen her yet, we had definitely not registered her. I was shocked, I sat and sobbed for hours. I then told my mother I was going to get our baby back and she just really harassed me to show compassion to the parents.

No one had ever shown us compassion. My mind was made up I and I resolved to get the baby back. I telephoned the matron but she told me it was too late. The baby was with its parents. I had no knowledge of the law and I thought that meant that she had been adopted. Our daughter was adopted at 15 months of age. We had been married 10 months. Consequently, this legitimated our baby—our marriage—our baby, I should say.

Under duress, I had given a consent. The 1958 Adoption Act stated all parents must give consent. Bill did not give his consent. He was not asked, and he did not give his consent. He was her legal parent. However, he was still required to maintain her, even if we were not married and until the adoption was formalised, he was required to give his consent.

Bill and I married on 27 June 1964. We had been advised by friends that because I was 18 we could go to court and be given permission to marry, in fact, we have learned since that we could have done that in any case, prior to the birth of our baby girl. We were going to call her Kim Elizabeth. On May 20 1964, 11 months before the adoption order was signed by a judge in the County Court, Father ██████████ was appointed guardian ad litem in the proposed adoption of Unnamed Baby Toohey.

He was the parish priest at St Bernard's Catholic Church, Coburg, and he had already baptised our baby in the name of ██████████ on 22 December 1963, even though she was only being fostered by ██████████ and ██████████ was a police officer working at ██████████ in 1963. This was the same office named in The K Inquiry as Crimes Incorporated, whereby the police offered protection to doctors performing abortions during the illegal abortion period in Australia.

██████████ and ██████████ lived at ██████████ and they had adopted a boy the previous year. They were also members of Father ██████████ parish and I've just noted there, that a lot of what I've just said and alluded to can be validated in the book, The Racket by Gideon Haigh, and it is (indistinct). They had been denied a baby through the normal channels, as there was no reason why they could not have their own. ██████████ was to tell me later, that after getting ██████████ gave birth to two sons of their own.

Father ██████████ failed to contact Bill and myself, having married in the Catholic Church at Ringwood, we were living at Balloan Street, Coburg. If Father Arthur had followed the rules of the Act, he would have found us very easily and found that I had been coerced into signing a consent to adoption. He would have known by virtue of the 1961 Marriage Act that our baby was our legitimated baby.

Our baby was no longer Unnamed Baby Toohey, illegitimate child of Elizabeth Toohey, but ██████████ and ██████████ were adopting. Sadly, and disgracefully, our baby Kim Elizabeth's adoption was formalised on 24 April 1965. At that time, our third child was on the way, and as I had already stated, we had been married 10 months. It is my belief that ██████████ was made aware of our marriage as he applied to be transferred to Port Fairy immediately after the guardian ad litem was appointed by the court.

██████████ and ██████████ told ██████████ that she was born at the Queen Victoria Hospital. It was only after she received her paperwork from DHS that she realised that she had been born at Vaucluse. I was with her when she received her adoption information. ██████████ said to me that 'Vaucluse was owned by that ██████████ woman'. I asked her how she knew of ██████████ She replied that ██████████ had given her ██████████ diary when she was 15, because he wanted her to become a nurse like his niece. He was always a familiar voice, she said. I asked if I could see it and she agreed. However, later it disappeared.

In 1990, Bill and I divorced. We were both forever negatively impacted by the loss of our first child to people who were creating their own reality. We had given birth to seven babies and raised five. As our fourth child, Phillip, died at the age of five months, which, unlike our first baby, I was eventually able to grieve and gain closure.

Meantime, I struggled between breakdowns during the trauma experience with the betrayal of people who are taught to trust most, the fabric of society and the loss of our firstborn baby that we so dearly wanted and cannot be reunited with even today. A trauma that the medical profession failed to connect to my original loss because adoption had been packaged so well.

In conclusion, ██████████ has told me she wishes she could be the baby but she can't. She is an adult with her own history. No-one can give me or our family back what should've always been mine and Bill's, our own family. Thank you.

The CHAIR: Thank you very much, Elizabeth, for sharing that with us today. We truly appreciate your submission.

Ms COUZENS: Thank you, Elizabeth. We really appreciate you sharing your experience today with us. We do appreciate that, so thank you. And, I also acknowledge our sadness for your recent loss.

Ms EDWARDS: Yes, thank you.

Ms COUZENS: It must be very difficult for you to be here today as well. In your submission you talked about Adoption Origins, wanting the Victorian Government to implement all the recommendations from the

2012 Senate inquiry into the Commonwealth contribution to forced adoption policies and practices. Is there anything in particular or something specific that you would like to add for consideration in this inquiry?

Ms EDWARDS: Yeah, there's several things here. Have you seen the recommendations?

Ms COUZENS: Yes, I have looked at them, yes.

Ms EDWARDS: Yeah, okay. I knew there was limited books available. So, I think the redress is really important.

Ms COUZENS: Okay.

Ms EDWARDS: Not personally to me but to a lot of the mothers. It would be of great value. For me, just being able to be here and to give my own story to the Senate inquiry, I think that that's been enough for me.

Ms COUZENS: Okay.

Ms EDWARDS: What I would like to do is have my baby's adoption, dismissed. For me that's the only redress. I don't think it's what she wants. As I've said, she has her own history.

Ms COUZENS: Yes.

Ms EDWARDS: I'm not going to force something on her, but I would like to somehow right a terrible wrong.

Ms COUZENS: And have you had any counselling support over the years? Do you want to talk a bit about that?

Ms EDWARDS: Ah, well, yeah.

Ms COUZENS: If you're comfortable.

Ms EDWARDS: Yeah.

Ms COUZENS: If you're not, that's fine.

Ms EDWARDS: Yeah, no, I think that, for many years, I had breakdowns and I used to see a psychiatrist, but nobody linked the adoption to what was happening with me emotionally.

Ms COUZENS: Yes.

Ms EDWARDS: And I even had a psychiatrist tell me that I should get on with my life, that he had clients who were happy with their adoptions. And I got up and walked out. You know he had no insight whatsoever. So, I finally did find a psychiatrist who was connected. Well, he had some kind of connection to Dr Rickarby from New South Wales. Dr Geoffrey Rickarby had been a psychiatrist who tended children who'd been adopted at the Children's Hospital and when he moved to New South Wales, there were mothers who had been adopted and then lost their child to adoption, and he was starting to make the connections. And of course then there's word of mouth and people started to flood to him because he was the first known doctor to understand, or seem to understand what had happened to us. Because the trauma doesn't go away.

Ms COUZENS: No.

Ms EDWARDS: It never will. We'll die with that.

Ms COUZENS: So do you think the specialised training is one of the things that you would like to see as a result of this inquiry?

Ms EDWARDS: Maybe for the younger people, but I can assure you that all the mothers that were ever in Origins, with the exception of one, all had extensive counselling over the years.

Ms COUZENS: But was that specialised, like, in terms of forced adoption that you're aware of?

Ms EDWARDS: Ah, no, it wasn't specialised but ---

Ms COUZENS: Yes, okay.

Ms EDWARDS: --- we're all getting old and I think that we've all written our stories, we've talked to each other. I think that we've acknowledged our issues with each other and I don't know that it would be very helpful to us now. Maybe young people coming through, it might be, but we don't get the young people. We have never had the Department refer one person to us. They've always been referred to ARMS. In fact, we found it very difficult to even find a meeting place. But that's okay. I think we're finished—almost finished what we started out to do.

Ms COUZENS: And you mentioned, you know, the number of mothers who had their children forcibly taken from them tell their stories. Is there something that could be done in terms of sharing those stories outside of this inquiry, for example. I mean, a lot of women have talked about education.

Ms EDWARDS: I would think that one of the things that I am very concerned about is that our issue is dying.

Ms COUZENS: Okay.

Ms EDWARDS: There hasn't been any press coverage. I still talk to people who have never heard of our issue. I think there should be more publicity given to our issue and I think there should be awareness of what adoption does. We were not only there for mothers. Our organisation also incorporated adopted people.

Ms COUZENS: Okay.

Ms EDWARDS: And so we saw both sides of it. And then, very often, they came into our group very angry at us. They really believed that we gave them away. I'm very concerned about what has happened to the proposed change of the Adoption Act. Does anybody know what's happened to that?

The CHAIR: No I don't.

Ms EDWARDS: I know that we all wrote submissions to that proposed Adoption Act and it seems to have been buried. In that submission, we ask for another side to be looked at with adoption. We talked about the stewardship model where the child didn't lose their identity. The adoptive parents will always be legal parents but the child didn't lose contact with its family of origin and it didn't lose its identity. And then if, when they turned 18, they felt they wanted to change their name, well then they had the legal right to do so. But in this day and age when people have different names to their children very often, it's not the stigma that was talked about in the 50s.

Ms COUZENS: You know, I take that on board, but this inquiry's about the forced adoptions that we're dealing with at the moment.

Ms EDWARDS: Yeah.

Ms COUZENS: But, yes, in the broader context, it's relevant.

Ms EDWARDS: Well, I just feel that it is a forced adoption. Any adoption is a forced adoption on the child. They haven't got any say in the matter.

Ms COUZENS: Thank you.

The CHAIR: All right, thank you. We'll move onto Michaela.

Ms SETTLE: Thank you. Thank you, Elizabeth, for sharing your personal experience.

Ms EDWARDS: Thank you.

Ms SETTLE: And it's a bit in that same frame, but you've advocated for birth certificates that are separate to adoption certificates. So this belongs in that sort of stewardship model, is it?

Ms EDWARDS: Yes.

Ms SETTLE: Do you see that as a—I mean, you were saying your daughter wouldn't particularly want it. Is that something you would see that should be offered retrospectively?

Ms EDWARDS: I don't think it would affect her because, you know, she's married, she's got children of her own, she's got grandchildren.

Ms SETTLE: Yes.

Ms EDWARDS: So, you know, she wouldn't want her adoption discharged, I don't think.

Ms SETTLE: Yes, yes.

Ms EDWARDS: But a birth certificate's a different matter altogether. So I think she acknowledges her adoption, she does that publicly. She always introduces us—introduces me as her mother to anybody that we meet, so, you know, I don't think that that would be an issue for her.

Ms SETTLE: No, but you think that something that should be considered, is having separate birth certificates and adoption certificates.

Ms EDWARDS: Yeah, absolutely. I think that it allows the child to retain its own identity.

Ms SETTLE: Thank you.

Mr SOUTHWICK: Yes, thanks, Elizabeth.

Ms EDWARDS: Thanks, David.

Mr SOUTHWICK: Just a couple of questions. Firstly, if you start with the discharge of the adoption, which you've indicated might be different in your situation with your daughter in what her will might be, but would you think it might be one of the recommendations that it would be something that should be considered, should there be consent from the child and obviously the parent? Is that what you're suggesting should happen?

Ms EDWARDS: I think the Adoption Act [1984] requires all parties to be present at a discharge, providing that the adoptive parents are (indistinct)

Mr SOUTHWICK: Yes.

Ms EDWARDS: We've had people discharge their adoptions that they're adoptive parents hadn't been (indistinct)

Mr SOUTHWICK: Yes.

Ms EDWARDS: But there is a process for that.

Mr SOUTHWICK: So would you want any change to what's currently there? Would you think that there needs to be any change or are you happy with what's currently in place?

Ms EDWARDS: I think that FIND—well, my personal experience with that, FIND were really good, they were very supportive and the judge was supportive. So, you know, I haven't got any complaints about that process.

Mr SOUTHWICK: Yes.

Ms EDWARDS: For me it's all about the actual adoption itself, about ownership of a child.

Mr SOUTHWICK: Sure.

Ms EDWARDS: Yeah.

Mr SOUTHWICK: And I just wonder, in terms of a redress scheme, what do you think that would look like?

Ms EDWARDS: I would think it has to be money.

Mr SOUTHWICK: Yes.

Ms EDWARDS: Yes. I'm not sure. You know, there's no amount of money that is going to compensate for the loss of their baby. But I think that it does show good faith.

Mr SOUTHWICK: Yes, thank you.

The CHAIR: Thank you. Heang?

Mr TAK: Just a short question and thanks, Elizabeth. Our relationships are very important and I heard what you said and many others. What do you think this Committee should do in terms of helping the child—I don't want to use the word 'adoptees'—to understand the history? Wouldn't it help in part of the - - -

Ms EDWARDS: Yes, as I said before, I think there should be more press. I don't know how you go about that. You know, there may be more - - -

Mr TAK: Yes.

Ms EDWARDS: - - - and I don't know that you can do that, you know, that's the thing. But, yes, there needs to be more—our issue advertised more. It's dying.

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

The CHAIR: Before I conclude, I just had one final question and if it is a challenging question and not appropriate, please, you don't have to answer. But how does Bill feel about this issue as that father?

Ms EDWARDS: Yes. We cried together, but Bill is dead now.

The CHAIR: Okay.

Ms EDWARDS: But we were divorced but it was—I think because I kept having breakdowns, Bill dealt with the issue in a different way. He gambled and he drank. So, you know, that was how he anaesthetised his pain. But we both acknowledged each other's pain but it was too difficult for us to live together the way we were. It was really after my marriage broke up that I decided I had to do something. I couldn't keep having breakdowns, that I had to become proactive. And so that's when I started writing to people. Writing to politicians, both at the State and Federal level. So, yeah, that's how it all came about. But Bill has publicly come out and acknowledged and supported me in all that I was doing with this. Christine Campbell wrote to him and asked him for permission to publicise our story, so yeah. Because he was not named on her—on the original birth certificate, he applied to have another birth certificate and he was named on that birth certificate.

The CHAIR: Right, okay.

Ms EDWARDS: And he gave—[REDACTED] just called her Kim Toohey and he wrote back and said, 'No, she's Kim Elizabeth Edwards.' But they still stamped it 'Adopted'. So, I mean, for me, that's a cold fish because she wasn't adopted.

The CHAIR: Yes.

Ms EDWARDS: I know her history is but legally she wasn't. There was no such person.

The CHAIR: Thank you so much for answering that question.

Ms EDWARDS: That's okay.

The CHAIR: I do appreciate your absolute valuable contribution today and your submission as well. On behalf of the Committee, we truly appreciate the time and the effort that you have put to be here today and preparing the evidence, preparing our packs as well. On behalf of the Committee again, we acknowledge that revisiting the past can be extremely painful but we do appreciate the time and effort that you have put forward here today.

The next steps will be, we will be deliberating, the Committee members, on all evidence and we are hoping to table a report before 1 July this year. It will be a strong report and you can, at any point, reach out to Yuki or

any of the Committee members to keep up to date with the progress. Again, on behalf of the Committee, we truly thank you for being here today - - -

Ms EDWARDS: Thank you.

The CHAIR: - - - and sharing your experience with us and I'm hoping that we do prepare a report that does justice to you and everybody that's unfortunately been effected by this really—a past that needs to be addressed.

Ms EDWARDS: Can I just bring one other subject that really does concern us - - -

The CHAIR: Sure.

Ms EDWARDS: - - - and that is that, in the Children, Youth and Families Amendment (Permanent Care and Other Matters) in 2014 that went through the Parliament, the Secretary of the Department has the right to discharge—yes, to—sorry, to override a parental consent, and that worries me a lot. Or it worries us, I should say. I know that you've got to protect the child, but I don't think that the Secretary should have a right to discharge—sorry, to do away with the parental consent. And I'll just submit that.

Mr SOUTHWICK: That had changed from the courts, didn't it? It used to be a court order that was potentially needed.

Ms EDWARDS: Yes, yes. There was several, you know, amendments, but that one in particular. And also, I mean, they shortened the timeframe for a parent to rehabilitate and, I mean, that's a whole different issue.

The CHAIR: Different, yes, it is.

Ms EDWARDS: Yes, I understand it.

The CHAIR: So again, Elizabeth, thank you very much and, as I said, at any point you can reach out but our report will be tabled on 1 July.

Ms EDWARDS: Yes.

The CHAIR: Thank you again for being here today.

Ms EDWARDS: Thank you.

The CHAIR: Thank you so much.

Ms EDWARDS: Thank you. All right, thank you.

Witness withdrew.