

TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Responses to Historical Forced Adoptions in Victoria

Melbourne—Monday, 22 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

Mr Peter Capomolla Moore, President, and

Ms Sharyn White, Secretary, Adoptee Rights Australia.

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The CHAIR: Good morning, and I too apologise for the delay. As Yuki said, we had a bit of technical difficulties. But I do acknowledge the traditional owners of the land on which we are meeting today. I pay my respects to their elders past and present and to the Aboriginal elders of other communities who may be here today. I also wish to acknowledge that yesterday, 21 March, was the eighth anniversary of the national apology for forced adoptions delivered by the then Prime Minister, Julia Gillard.

I declare open the public hearings for Legal and Social Issues Committee's Inquiry into Responses to Historical Forced Adoptions in Victoria. I would like to welcome Peter Capomolla Moore and also Sharyn White, the secretary from Adoptee Rights Australia.

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, those comments may not be protected by this privilege. All evidence given today is being recorded 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 transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible unless confidentiality has been requested.

Also today we do have Holly Donoghue, who is with us. Holly is from Carfi, an external provider of psychological support services. She is available to talk at any point of the hearing and also can be available after the hearing as well.

The committee is very much interested in hearing your experience of forced adoption and in particular what services and what outcomes you would actually like from this inquiry.

Before I invite you to proceed, I would also like to introduce the committee members that are here today. We have Christine Couzens, MP, the Member for Geelong, and Meng Heang Tak, MP, the Member for Clarinda, also online.

I now invite you to begin a brief opening statement to the committee, which will be followed by questions. Thank you very much. Thanks, Peter and Sharyn.

Mr CAPOMOLLA MOORE: I might start. We had our own Zoom meeting with members of Adoptee Rights Australia to canvass them for their points that they would like to put across, so I am going to read out those points. To begin with we would like to say that adoptee-run advocacy organisations, including Adoptee Rights Australia, need to be involved in all aspects of the below points and their implementation.

The below points and recommendations should be available to all adoptees.

One—a recognition that adopting per se causes trauma, not the fact that you were or were not a victim of forced adoption. How you were adopted is not important; the fact that you were adopted is what is important.

Two—a government obligation. A duty of care to inform adoptees of their adoptee status; and the United Nations Convention on the Rights of the Child, articles 7 and 8, should be upheld.

Three—adoptee trauma trained health professionals, counsellors, psychologists and psychiatrists. Adoptees cannot afford the services they need. The present system gives adoptees five visits to a counsellor and 10 under COVID. This does not address the needs of many adoptees.

Four—a tick box: 'Are you an adopted person?'. This is already a question on aged-care forms.

Five—we are a vulnerable, at-risk population and need to be recognised as a vulnerable, at-risk population. For that you can refer back to the presence of a tick box on aged-care forms; they recognise that.

Six—an adoption card. We have been asked many times about an adoption card, just like a veterans card.

Seven—a redress scheme. The statute of limitations must be removed for adopted peoples and any child victims.

Eight—recognition of adoption trauma as a standalone basis of permanent disability. Many adoptees have been granted NDIS based on adoption trauma; recognition would make this process more simplified.

Nine—the fundamental lack of research into long-term outcomes for adoptees.

Ten—a state database for adoptees searchable for researchers and coroners courts. Coroners courts have no understanding or any way of knowing if a suicide victim or perpetrator was adopted and hence no way of coming to a finding based on all the evidence of mitigating risk factors.

Eleven—trauma of adoptees was recognised in the national apology, but many adoptees feel that their adoption traumas are dismissed by society and media in favour of the happy-ever-after adoption narrative. Invalidation is a major contributing factor to ongoing traumas. Training and awareness packages for the public as well as government and non-government staff and charity bodies in contact with this vulnerable population need to be developed in partnership with adoptee-run organisations.

Twelve—trained health professionals. A searchable list of adoption trauma trained health professionals and their qualifications to be available to adoptees and their services to be paid for by governments.

Thirteen—adoption discharge. We need a no-fault, no-fee adoption discharge similar to no-fault divorce legislation. We determined no-fault divorce in 1975, yet here we are grappling with adults' rights to identify legally with their biological families some 46 years later. Adoptees are not legally related to their biological parents, grandparents, siblings, aunts, uncles and cousins, their family histories and cultures. All cultures are important to an adoptee.

Fourteen—birth certificates. Simplify and facilitate the addition of a father's name to go on the original, pre-adoption birth certificate.

Fifteen—grants policy. Advocacy groups like Adoptee Rights Australia receive very little in the way of grants, having to beg for crumbs under the very strict and narrow guidelines from Relationships Australia. There needs to be set funding for capacity building and employing staff. At present, Adoptee Rights is a volunteer-only organisation, which digs deep into the time of the committee and subcommittee members.

Sixteen—trigger warnings. Trigger warnings on any news articles and media coverage of adoption. We are aware that this is possibly a commonwealth issue, although the ACMA—that is, the Australian Communications and Media Authority—state that it is only a voluntary function of the media and not under their jurisdiction. This needs to be mandatory.

Seventeen—death certificates. Adoptees need the right to have their names on their biological parents' death certificates alongside siblings. At present, adoptees have no right to be on their biological parents' death certificates. We have heard this a lot from people trying to get onto their biological parents' death certificates, and there is no avenue for them to do that.

Eighteen—discrimination. Adoptees are discriminated against in legislation. Adoption legislation defines adoptees as always a child—a party to an adoption contract with no rights. Adoptees can be openly vilified for not accepting the narrative of, 'They should have been grateful', 'They were saved', et cetera. Adoptees' voices are silenced by legislation. Adoption legislation should be scrutinised, with a comprehensive review of legislation or regulatory discrimination against individuals on the grounds of their adoptive status.

Nineteen—open adoption. Open adoption can never be open while governments hide the truth from adoptees and biological parents alike. Families—not just biological parents but also grandparents, siblings, aunts, uncles and cousins. Open adoption does not fix these problems with adoption. A child, then adult, should never be legally severed from family nor suffer a name or surname change.

Twenty—inheritance law. This is the elephant in the room. No child should be severed from biological or adopted family inheritance. This is not a grab for cash but rather a recognition of belonging to family groups and having relationship rights that others take for granted. If adoptions were to occur in the future—ARA does not believe there is a need for them to occur—then inheritance rights should not be extinguished.

Twenty-one—integrated birth certificates. Integrated birth certificates are not a silver bullet for adoption trauma. From our experience in New South Wales, integrated birth certificates have disappointed a number of recipients who have spoken to Adoptee Rights Australia—that is, that assurances made to the New South Wales Parliament by the families, communities and disability services minister, Gareth Ward, that integrated birth certificates would list biological parents and siblings on the integrated birth certificate were never possible as the information was taken directly off the adoption certificate, where the overwhelming majority of original birth certificates and adoption certificates do not list the father, let alone siblings.

Twenty-two—time lines. Time lines for information to be forwarded to adoptees waiting long periods for information is extremely traumatic for adoptees. Money and resources should be put in this area to reduce time lines.

Twenty-three—adoption statistics need to be made available for research by anyone who would like to know and be provided by the states and territories to the AIHW with all other adoption information, including discharges applied for,—successful or not successful—and adoption returns under 18.

Twenty-four—ongoing welfare checks. Monitoring of the health and wellbeing of adoptees and children under guardianship orders, just like there is in foster care.

Twenty-five—rights of descendants of adoptees. Give the right to descendants of adoptees to information to ascertain their own identity, family history and cultures regardless of whether other parties give them permission or not—that is, adoptive parents cannot deny a child or grandchild their human rights. The rights of the child are always paramount. Now, I will expand on that. We are getting a lot of children of adoptees and even grandchildren of adoptees who want to know what their family histories are and their cultures, and they are being blocked. Under legislation only the child of an adoptee is entitled to that information on their death, but there is no recognition that this intergenerational trauma goes beyond the adoptee's child and continues down to grandchildren, and even great-grandchildren.

Twenty-six—an adoption Ombudsman—we need an advocate for adopted people. Fees and services and funding to find family, DNA testing, record searches—the cost et cetera should be free.

Twenty-seven—and finally, an adoption inquiry into adoption and its lifelong outcomes, the past and present experience of adoption and living adopted in Australia and its impact on adopted people. Thank you.

The CHAIR: Thank you, Peter. Will Sharyn be also speaking?

Mr CAPOMOLLA MOORE: I think Sharyn will be fielding questions and answers, and we will sort of share that.

The CHAIR: Okay. All right. Thank you so much for your submission. I will start with a question. You mentioned in your submission that integrated birth certificates are another lie. What are your views on birth certificates? If you just want to expand on that for the committee.

Mr CAPOMOLLA MOORE: Okay. I am glad you asked that question. Birth certificates are one of the biggest things that I cannot get my head around. I cannot believe that someone would falsify my birth certificate. I relied on the birth certificate for my truth, and if I open a conversation with non-adoptees, I open it by saying I have two birth certificates, and their immediate response is, 'What do you mean you have two birth certificates?'. And then I explain, 'Well, they cancelled my original one and they fabricated another one to say my adoptive parents gave birth to me'. People are aghast, and then when I say this is still happening today, they go, 'What do you mean it's still happening today?'. You know, this is archaic. We just should not be changing birth certificates. I have 10 grandchildren. All in all the case is none of my five children are actually married, so they are taking their father's name or they are taking, in some cases, other partner's names. Some of the children have different surnames within the family. It does not matter anymore. This is archaic. They do not get discriminated at school or when registering at soccer clubs or anywhere else. The notion of changing birth certificates just should not be on the table. We should not be doing it.

The CHAIR: Thank you, Peter. Committee members, do we have further questions?

Ms COUZENS: Yes. Am I right to go, Nat? It is Chris.

The CHAIR: Thank you.

Ms COUZENS: Thank you, Peter, for your presentation. We really appreciate you doing that and giving us your time today. And also, Sharyn, thank you for participating as well. You talked a little bit about Adoptee Rights Australia. How many members do you have and why was the organisation formed?

Mr CAPOMOLLA MOORE: Sharyn has got more of the history of that, if Sharyn would like to answer that.

Ms WHITE: Well, given that there are about 250 000 adoptees in Australia (we formed in 2018) and we have not had the funding to actually publicise that we are in existence, even when we are not actively posting on social media and things like that, we seem to be getting a new member every week or two. They are there; they are waiting. We have been so invalidated as a minority group for so long. I mean, yesterday went by as a blip. There was no media recognition of that. Everybody who probably came out of the woodwork at the time of the apologies has basically either given up or worse, because of the promises that we were made and the expectations we had at that time, and then it has all really basically come to nothing.

We are a growing organisation, but we do not have the numbers yet to be able to really reflect what the great need is, because we are such an ignored population.

Mr CAPOMOLLA MOORE: The numbers are over 100; we have over 100 signed-up members, and—

Ms COUZENS: Is that right across the country or—sorry.

Mr CAPOMOLLA MOORE: it is growing. As Sharyn said, that is growing every week.

Ms COUZENS: Is that right across the country—your membership?

Mr CAPOMOLLA MOORE: It is right across the country. But when we put up posts it is nothing for us to get 10 000 or 15 000 interactions with some of the posts we put up. So people are there. The ones that actually join are the tip of the iceberg. We know the people are there because we see them reacting to our posts and sharing our posts.

Ms COUZENS: Okay. And what do you think the Victorian government should do to further implement the recommendations of the 2012 Senate inquiry into forced adoptions?

Mr CAPOMOLLA MOORE: I will leave that one to you, Sharyn. That is a good question.

Ms WHITE: I think actually implement some of them. I mean, there have only been a couple that have been implemented, because what happened after that was that I think they all got referred to some disability standing committee, and then within about four or five months the next COAG disbanded that committee and then pushed it all to the states to do, and of course nothing has happened. One of those main recommendations was looking at (and this was all supposed to be in consultation with adoptees and mothers, but we are only representing adoptees, so that is just what we are talking about.) But none of that actually ever happened. So one of the things was to really look at when people apply for their information how that is all put together. There were several things there. There are actually quite a lot of issues outside of that that we think are really important. So we do not want to be just reduced to those Senate recommendations, but a good start would be to re-look at them and say, 'How many of those have we actually done?', and then look at them in terms of now adoptees having or trying to have a bigger voice. We need to come outside of the umbrella of the whole mothers being forced issue. That is not the issue of adoption.

Prior to the apologies there were already services that were looking at a big need in the adoptee community, but then somehow that has all kind of come under the umbrella now of forced adoption. Now, most adoptees that go and use the services in Victoria do not necessarily have any idea at all whether or not their mothers were forced, and that is just not the relevant part of it. It needs to be recognised that the reason that we need services is because we were adopted not because our mothers were forced, and that way that can target our population and get some research done on our population.

Ms COUZENS: Great. Thank you very much.

The CHAIR: I believe Heang has a question.

Mr TAK: Thank you, Chair. Thank you, Peter and Sharyn. I have one question. Can you tell us about your experiences with support services such as Relationships Australia? What have been your members' experiences in terms of accessing this service?

Mr CAPOMOLLA MOORE: It varies. My own personal experience—I know Sharyn has had experience with them as well—is as a late discovery adoptee. I discovered by Ancestry DNA, and I googled where I was born, which I had done many years before because I was a prolific family genealogist. I thought I knew my family. I googled where I was born and this time instead of no information coming up all of this information about forced adoption came up, and that led me to the national archives page. It had a link, through Find and Connect, to Wattle Place, which is Relationships Australia. From reading all of that and the apology, I thought I was going to get an empathetic ear. I thought I was going to get someone answering and saying, 'Oh, we know how terrible that must be to find this out at 59 years old. We will lead you through this process, and we'll assist you'. I did not get that. I got, 'We'll send out the forms. Fill them out, make sure you get a JP to witness them, send them back in and wait. If we find something, we'll assign you a case worker'. Well, after a month of waiting I got annoyed, because I had just found this out. I did not work. I lived and breathed this. I thought, 'What's going on?'. I did not get the sympathetic ear, and I blew up at them. I said, 'What are you doing? I haven't heard anything for a month'. They said, 'Oh, it could be six or seven months away', and I said, 'No, I'm not going to wait that long'. I rang I think it was FACS—it might have been called DOCS at the time; I cannot remember—and I got a nice lady there who said to me, 'Well, if you get a doctor's certificate saying how this affects you, we may be able to speed it up a little bit'. Well, I got pushed up the queue and I had my information in about a week, and I found my mother that night. It was that quick. And that is what I needed from the start. I needed a quick result. I do not know if I could have waited six, seven or eight months. I do not know what would have happened. I certainly would have spiralled.

Ms WHITE: Any other FOI information, even not important information, is under the FOI Act, and they have that guideline of 30 days. We are just right down on the list of priorities because there are no guidelines for any time frame for adoption information.

Mr TAK: Thank you, Peter and Sharyn. Thank you, Chair—no more questions from me.

The CHAIR: Thank you, Heang. I believe there are no further questions, committee members? I take it that is completed. Can I on behalf of the committee thank Peter and Sharyn for being here today. We truly value your contribution and your submission. The next step will be that the committee will deliberate on all of the submissions and all of the evidence that has been submitted to this inquiry, and that will help inform the relevant issues and most importantly the recommendations that will be in its final report. We anticipate that the final report will be tabled by the Victorian government by 1 July this year. Again, on behalf of the committee we thank you very much for taking the time and sharing your experience and some of the issues that you feel are important for us to hear and deliberate on through the report. At any point you can stay in touch with us via the committee's website or through our secretariat. Again, I thank you for attending today and submitting your evidence.

Mr CAPOMOLLA MOORE: Thank you. I very much appreciate the opportunity to be here.

Ms WHITE: Thank you, and I will just throw in the statute of limitations being pretty important for us as well.

The CHAIR: Thank you, Sharyn, and thank you, Peter. All the very best.

Mr CAPOMOLLA MOORE: Yes, ta.

Witnesses withdrew.