

TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Responses to Historical Forced Adoptions in Victoria

Melbourne—Monday, 7 December 2020

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

Dr Penny Mackieson, Adoptee.

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 to the Aboriginal elders of other communities who may be here today.

I declare open the public hearing for the Legal and Social Issues Committee's Inquiry into Responses to Historical Forced Adoptions in Victoria. All mobile phones should be turned to silent at this moment. I welcome Dr Penny Mackieson here today. I would also like to introduce the committee members. My name is Natalie Suleyman. I am the Chair and also the Member for St Albans. To my right is Heang Tak, MP, the Member for Clarinda. To my left is Christine Couzens, MP, the Member for Geelong, and also Michaela Settle, MP, the Member for Buninyong.

All evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any actions for what you say here today, but if you go outside and repeat the same things through social media or other platforms, those comments may not be protected by this privilege. All evidence given today is being recorded by Hansard. You will be provided with a proof version of the transcript for you to check as soon as it is available. Verified transcripts, PowerPoint presentations and any handouts will be placed on the committee's website as soon as possible unless it is confidential.

Support services—please be aware that we have Reiko Hipple from Carfi, which is an external provider of psychological support services. She is available to talk to you if you like, whether it is during the hearing, after or whether you need a break. Please let us know. We can also put you in touch with other services at a later time if you choose so. The Committee is interested in hearing your experience of forced adoption and in particular the services that you have accessed and what outcomes you would really like from this inquiry. I now invite you to proceed with a brief opening statement to the Committee, which will be followed by questions from members. Welcome.

Dr MACKIESON: Thank you. Good afternoon, everyone. I am grateful for this opportunity to contribute to the inquiry and especially to speak directly to members of the committee today. I also wish to acknowledge the traditional owners of the land on which we are meeting, the Wurundjeri people of the Kulin nation, and pay my respects to their elders and to any Aboriginal people who may be present today. I acknowledge that this land was never ceded but taken, like so many generations of children.

I also wish to introduce the two dearest and most important members of my family, Bruce Minahan, my partner since 1984, which happens to be the same year that the current *Adoption Act* was passed, and Patrick Minahan, our son.

As members will be aware, in early February I lodged a written submission to the inquiry outlining my personal experience of forced and closed adoption, in particular my recent discovery through commercial DNA genealogical testing that I was misidentified or switched in the Queen Victoria Hospital before being placed with my adoptive parents at three weeks of age. I lodged my written submission in confidence because it coincided with a delicate stage in the process of seeking identifying information about my real natural mother—and please note when I refer to 'natural mother' I mean biological and genetic mother.

At the time of lodging my written submission I was awaiting the outcome of an application to the County Court seeking access to the adoption records of the person it appears I was switched with at the Queen Victoria Hospital. Those records contain identifying information about the Greek mother living in Greece who the Adoption Information Service strongly believes is my natural mother. The presiding County Court judge ordered the release of the records on 14 July. Up until that time I believed the Adoption Information Service had already sought and obtained relevant medical files from Monash Health, with which the Queen Victoria Hospital merged in 1987, and that those medical records would also be released to me. That was in fact not the case. I was under a misapprehension, and I therefore wish to correct this aspect of my written submission.

The Adoption Information Service is now in the process of seeking clarification from Monash Health regarding the fate of my medical records. This is subsequent to a letter I wrote to the Attorney-General on 24 August to which I am still awaiting a written reply. I emphasise that my letter to the Attorney-General was not critical of the Adoption Information Service. Indeed the responses of the staff who have been handling my case since I approached the service in May last year have, from the very first contact, been outstanding. Most importantly, they appreciate my perspective as a person who has been deprived not just once but twice of knowledge of my

origins and potential connection with my natural family members—the foundational components of human dignity, identity and wellbeing.

The CHAIR: Did you want to take a little break?

Dr MACKIESON: No, that is fine.

The CHAIR: That is fine?

Dr MACKIESON: I will be all right. Sorry, I was not expecting to choke up there. As Bruce can attest, the Adoption Information Service worked very hard to assist me. Nevertheless, the legal validity of my adoption remains unclear. The identity of my natural mother remains unverified. The process for correcting my identity on my original birth certificate remains unclear, as do the specific details that may be recorded on it. And I continue to feel like an imposter in my own life.

In order to be able to move on from this mess, I need three things, the first two of which most people can take for granted: one, to know the real facts of my origins; two, for those facts to be accurately reflected on my primary legal identity document; and, three, for those who have intentionally deprived me of access to the real facts of my origins to be held to account. More broadly I seek for the inquiry to facilitate outcomes across three areas. First, ready access to the outcomes I seek for myself for all people who were born or adopted in Victoria; second, meaningful ongoing measures to help people deal with and heal from the consequences of past practices, like those that have impacted and continue to impact me and my immediate family; and, third, effective implementation of the learnings from past practices to protect children's connections with their families and identity of origin throughout their lives. I made several recommendations in my written submission that I believe would facilitate these outcomes, which I am very willing to further discuss. Thank you for listening.

The CHAIR: Thank you very much, Penny, for sharing those experiences with us. I might just start by asking a question, and we will take our time just to go through this. I notice that you raised 'switch' a number of times. What does that actually mean?

Dr MACKIESON: Well, it may mean that I was literally switched directly with one other person, or it may mean that there was that switch but then I may have been switched again. It is hard to tell. The person who is the real natural child of the person who I thought was my natural mother has been correctly identified. Forensic testing has confirmed that they are mother and daughter, and they are now in contact. But because genetic testing has not been able to occur with the person in Greece that they think is my mother, I do not know for sure that that is the case and there was not some other process of switching again. So it is very neat to think it was just a direct switch and a misidentification that just involved two babies, but it could be more complicated than that. We do not know.

The CHAIR: Okay. Christine.

Ms COUZENS: Thanks, Penny, for your time today. We really appreciate you coming along and how difficult it is for you to share your experience with us. We do appreciate it, so thank you very much. It is always great to hear—sitting across the table—rather than just reading submissions as well, so we really appreciate it. Thank you. I am really keen to know what sorts of supports you have had over the period of time—

Dr MACKIESON: The journey.

Ms COUZENS: Yes, and whether you have sought them out through private providers or whether you have used agencies, for example. Could you expand a little bit on that?

Dr MACKIESON: It has been a combination. The first service I would have accessed was VANISH—sorry, I applied for my records in 1998 so it was the Adoption Information Service back then who found the records. At the time there was such a long waiting list it took six months, and it was somebody that was contracted, so it was not actually an employee of the department. That was the first contact. Then I did not search—it was about seven years. Then I contacted VANISH and they helped me with the search, and I accessed support groups through them and I was involved for, I do not know, about a year maybe, or maybe more—it was a while ago now. Then after our twins died in 1997 I accessed a psychologist for a couple of

years, and that was around the time I had met the person who I thought was my mother and her family and was working through all of that. And then I did not think I would need any more services, until all of this happened. I am seeing another counsellor now and have been since about August.

Ms COUZENS: That is really traumatic.

Dr MACKIESON: Yes, and the Adoption Information Service, which I accessed again last May, have been very supportive as well, but they are obviously not counselling me, which I have sought through another counsellor.

Ms COUZENS: And in relation to the switch, how was that identified?

Dr MACKIESON: The whole time I had been in contact with the person who I thought was my natural mother, so since 1997, I was always very relieved that she accepted me and that the family accepted me, but I never felt that I looked especially like them. I went all through their photo albums and we talked about it, and the person who I thought was my mother kept saying, 'No, you're dark like your father's family. You are much more like his family', but she never had any photos and I never met any of them. He died in 2002, and I was not able to connect up with any of the many other children that he had, so I never got to see.

So it was sort of a bugbear I had that I just did not ever see a face that looked like mine. I kept searching and I actually went back to VANISH another time, and they helped me identify two of his sisters. I wrote to them. I had a couple of phone calls with them, but they did not really engage. They said they were going to send me some photos but did not, and I tried to follow up a few more times and they did not respond.

It was a frustration I had, and it was pretty much eating at me. I was not really like the other family anyway. I was very different personalitywise. I could have accepted that if I had looked like them. I thought I was looking for my father's family, and one of my friends in the adoption community suggested I do an Ancestry DNA test, which is what I did. Of course I saw all these names in the list of matches that were Greek names. I was like, 'Greek names? I should be seeing Irish, English and whatever names', and there were no close relatives. But then I looked at the ethnicity part of the results and there was literally 0 per cent English, Irish or Welsh, and that was supposed to be my mother's and father's backgrounds. If it had had something there, I probably would not have been so alerted, but it said 0 per cent. I just knew that was wrong. It had to be wrong. So I pushed back on Ancestry DNA and I said to them, 'Look, I know I am adopted, but I am in contact with my natural mother and blah, blah, blah'. I asked them to check whether my sample had been switched in the lab. They wrote back and said, 'No, we can verify very clearly that it had not been; sometimes you get unexpected results.' I just had to let it sit at the time because I was doing my PhD and I just knew that was going to be a minefield. Then towards the end of 2018 I did a test with another company just to check, to see if it was in the ballpark, and it was very consistent. Then I got Bruce and Patrick to do tests with Ancestry DNA. It absolutely verified the power of the test. I knew I had to ask my 'natural mother'—or the person I thought was—to do a test as well, and of course we are not related.

Ms COUZENS: How were you able to establish, potentially, that it was the Greek woman living in Greece?

Dr MACKIESON: Yes. I did not, except that when I went to the Adoption Information Service I said, 'I've proved that I am not related to this woman who has been on my records since I got them in 1990 and who I have known since 1997. I am clear that we are not related. You need to look for a Greek mother because I am 70-plus per cent Greek'. In fact as the databases have grown over the years since I did that test, it is now over 80 per cent, and there is the 0 per cent of English, Irish or Welsh. So they were able to look in a register from the Queen Victoria Hospital that was in the archives. I misunderstood; I thought they had been able to get medical records from the QVH and this was how they had identified, but it was not. They had looked in a register—I understand it was a social work register of women who had relinquished or whose babies were identified to be relinquished—and they saw that another baby was born the same day to a Greek mother. There was only one Greek mother I think around that time, so they felt it had to be pretty much her. That is how they described it to me—that there were two other Greek mothers, but they had boys.

Ms COUZENS: Okay.

Dr MACKIESON: So me and the other baby were born on the same day.

Ms COUZENS: Okay. Thank you.

The CHAIR: Michaela.

Ms SETTLE: Following on from that, you suggested in your submission that you felt that the misinformation or the incorrect records were likely to be intentional and quite common. I am interested in the dealings with Monash Health in terms of getting your records, but I wondered if you could explain what the motivation was. Why would it be intentional? I am trying to understand why they would intentionally deceive you.

Dr MACKIESON: Well, it is fairly well known—I think it has been fairly well established that in the large women’s hospitals with the large infant adoption programs there were unethical, shoddy, sloppy and probably illegal different sorts of practices, but because they were never investigated by police or by governments it is very unclear exactly what went on.

I have heard anecdotally quite a few different things from social workers over the years who worked at those hospitals in their early careers—things that were suspicious that would never be allowed to happen now—things like rapid adoption. So a young woman who is having a baby that has been identified for relinquishment and a woman who is married—they have a baby. The one who is married—the baby is stillborn, and the one who is relinquished is quickly handed across, that sort of thing, babies being exchanged in car parks. I have heard many things. I have read many things too in the Senate’s report on contributions to forced adoptions. The mother who I thought was my natural mother—the sheet was put up. She was not given an option. She was only 17 when her baby was born. A sheet went up so she could not see the baby, she was not allowed to hold the baby—all of that. If you do not get to see or hold the baby, you do not know which baby has been registered by whom.

I have heard other people adopted from the Queen Victoria around that time with similar stories, and I have also heard other people adopted from that hospital around that time who have managed to get some records but who often said when they first tried to get records, they were denied. They would say, ‘Oh, no, there are no records here’. But a few years later they tried again and just hoped there might have been someone differing doing the FOI and they might have got some records that were heavily redacted. And then they might have tried again several years later and got more records. There is a lot of fluffiness about what records are released and what you are told.

I do remember very clearly, although I do not remember the date, because I did not write it down at the time—but the very first time I inquired via phone, they really tried to put me off and just said, ‘Oh, I wouldn’t even bother writing a letter, because they’ve probably been destroyed’. And that was the first contact. At the time, it was when I had first got my records in 1990 and I was pretty perturbed anyway because I was not expecting to be the child of two Anglo-Celtic people—or one, even. I had sort of had this idea, because my adoptive parents always said, ‘Your mother is from the inner north of Melbourne’—so I always had in my head, ‘Oh, they might be Italian or Greek or something’. So I was a bit surprised anyway. And the whole point of getting my records at the time was because we were planning to have a child. We had just got married, and I wanted to know my medical history. I was not getting that, and it was like, ‘Oh, I don’t know what to make of this. I’ll just put it away’. But they did; they literally discouraged me from putting in a written application, so I did not do that until 2014.

Ms SETTLE: And you say in your submission that as a consequence of your experience you think that the adoption service should do DNA tests before they go out, particularly if there is this common—

Dr MACKIESON: Risk.

Ms SETTLE: Risk. It sounds common, yes. I was very interested. A couple of people have talked about the DNA testing and that interestingly it is almost like all of the support services are behind—that capacity is there for the support services, but it is only being used by individuals.

Dr MACKIESON: Yes. I mean, it is a complex area, and there is that whole thing about you might get results you do not know, and sometimes there are such complex stories it is actually hard to unravel. Also if people have never applied for their records and they are doing a DNA test, they have not had all the preparation. So there has been a caution about getting involved in it. And also genetic genealogy—they can

work out from distant relatives if they are the only people who have done it, but it is a pretty expert area. So, yes, there is a caution about just diving in, but there is a recognition too that the commercial DNA testing companies do not provide any support in that way.

The CHAIR: Thank you very much, Penny, for sharing your experience with us. Again on behalf of the Committee we truly appreciate your time and effort in putting forward your evidence, and we want to acknowledge that revisiting the past can be painful and confronting. But please be assured that your evidence will help us be informed and most importantly have an understanding to be able to put forward strong recommendations to the Victorian Government. We hope that our report will be tabled next year, 1 July, and we will make sure to keep you updated of the progress. We also want to relay to you that if there is any other information after today that you would wish to bring to our attention, please reach out. You do have Yuki's details, and we would be more than happy to consider those as well. But I am wishing you all the very best. Hopefully we do put forward a very strong report, and again we thank you for sharing your experiences. Today we have heard from so many, and I know it has been extremely tough and challenging. But we hope to put forward, as I said, from this inquiry some recommendations that really do hear your experiences and respond to your circumstances as well. So thank you.

Dr MACKIESON: Thanks very much.

Committee adjourned.