

# **LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE**

## **Inquiry into Responses to Historical Forced Adoptions in Victoria**

Melbourne—Wednesday, 24 February 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**

Ms Marie Meggitt, and

Ms Jo Fraser, ARMS (Vic).

**The CHAIR:** Thank you very much for being here today. I would like to acknowledge the traditional owners of the land on which we are meeting. I pay my respects to their elders past and present and the Aboriginal elders of other communities who may be here today.

My name is Natalie Suleyman. I am the Member for St Albans and the Chair of the Committee. To my left is Christine Couzens, MP, the Member for Geelong, and also Meng Heang Tak, MP, the Member for Clarinda. At this point I would ask that all mobile telephones be turned silent.

I declare open the public hearing for the Legal and Social Issues Committee Inquiry into Responses to Historical Forced Adoptions in Victoria. I welcome here Jo Fraser from ARMS Victoria and also Marie Meggitt, ARMS Victoria as well.

All evidence taken by the 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, these comments may not be protected by this privilege. All evidence given today is being recorded by Hansard. You will receive a proof version of your transcript for you to check as soon as it is available. Any transcripts, PowerPoints and handouts will be placed on the committee's website unless confidentiality has been requested.

Of course today the Committee is very interested in hearing in particular your experiences but most importantly what outcomes you would like from the inquiry. I now invite you to proceed with a brief opening statement to the committee, followed by some questions from the members. Again, thank you very much for presenting to us today.

**Ms MEGGITT:** Thanks for the opportunity. We actually had a number of questions really in terms of where you saw the inquiry going and what you saw as being the scope of the inquiry that you felt you would be able to present back to Parliament, particularly in light of the fact that it was quite broad what was brought to the public. We, as you would have noticed in our written work to you, took a fairly wide canvas around what we thought were issues that needed to be attended to. So without much guidance from the things that were being directed from your end, we are interested to know a little about what you saw as the scope of this inquiry and what you thought might be able to be presented back to Parliament.

**The CHAIR:** If I may, it has been a wideranging inquiry. It has been very broad in seeking evidence, so at this point, because we have not deliberated and the evidence is still before us, we cannot pre-empt any recommendations that we may or may not present to Parliament. But I do want to say that it is very wide and very broad, our inquiry. I hope that has been able to assist. I do note your submission again is very wide in the sense of the recommendations that you have put forward. I hope that is able to respond to your question without me going into pre-empting.

**Ms MEGGITT:** I understand. I mean, we do understand completely. I suppose that means that we would start particularly by suggesting that we do think that it is time that adoption got taken off the statutes. I mean, it is a really simple position. We think that that is the case because adoption, in the way it currently is formulated, says that this child becomes the child of the adoptive parents as if born to them. Clearly that is a legal fiction; it is a reality fiction. Dare I say it, it is a Trump moment. There is nothing about it that is real, and in that regard it is a major problem. That is quite apart from whatever practices we might say we could put in place that would improve the overall way in which adoption is facilitated. The bottom line is it is the severing of one family to facilitate the creating of another family, and given what we know now around child psychology, around family units and around the business of community, there is no justification for such a thing happening.

So we would argue very strongly that adoption has no place in the 21st century. There is clearly a need for us to be able to provide for children whose families are unable to support them—there is no doubt about that—but I think that raises the question of what is the best way to do that, and the best way is not to separate them from their family of origin. If their family of origin is so deleterious to their health and wellbeing that that needs to be taken into account, then certainly we would imagine that there are ways—we already know there are ways—in which that can be facilitated without completely cutting off the contact between the first family and the subsequent family.

In saying that, it takes us into the area of out-of-home care, realistically, because the issues that fundamentally have been around the forced adoption issues that we have been dealing with have been around babies. But we

would argue that the same considerations need to be made for children who are in out-of-home care. The fact that their families are not managing them as well as they need to be is not in itself a reason to completely cut them off from that family. It certainly might be a reason to manage the way in which those interactions occur, how often they occur and with whom they occur, but that is a completely different thing to falsifying their birth certificates and denying them access to that family for the rest of their lives.

One of the things we would like to comment on is the issue around access adoptions. It was one of the things that ARMS fought for back in 1984, when the legislation first came in. We saw it as a step in the right direction. The way it was formulated at the time, it was intended that the natural family would have meaningful access to their child, in recognition of the fact that at the time for most young mothers—and it was mostly mothers—the reason that they were placing their children had to do with social issues: the fact they were young, the fact that they were not being supported by their families and because there was a fairly significant element of shame connected to it. By the time we got to 1984 some of those elements had minimised, like the shame issue. By then we had a sole parent's benefit. There was an attitude in the community that said that it was reasonable for a woman who was not married to keep a child. It did not mean that adoption stopped, obviously.

However, when agencies took up this issue about access in adoption, they placed the child for adoption with a family, and two things were an issue there. The first was that adoption agencies were not pleased about this idea. They thought that this was antithetical. They were in charge of how it happened, the consequence of which was that the only way that a woman could legally make sure that she was provided with the access that she had asked for was if it was written into the adoption order. But mothers were not told that, and so whilst they were entitled to express their wishes, they were not given the legal ground to ensure that those wishes were enforced. That meant that they placed their child assuming that they would have access to their children and then the adoptive parents did not provide that access, and there were no means for those mothers to enforce what they had thought was going to be the case.

The agency's practice in this area was backed up by the courts. The judges also were quite unhappy about this proposal, this legislated—what would you call it?—opportunity or entitlement for women. If they were wanting to place their child for adoption or if they felt that they had to, then they would think, 'Well, I can have access'. The judges were not happy about this, and so they enforced the view that the four visits per year that the adoption agencies said was what was reasonable and appropriate should be the case. I know that at the time members of government and certainly members of the department met with the justices in the Supreme Court and in the County Court it was quite testy, but this was back in 1985; it is a long time since then.

We would argue that at the moment access adoptions do not work very well, that there is still the room for adoption agencies to not protect the rights of the natural mother—of the first family: mother or father or grandparents. And we would say that if we are to continue with having adoption on the statutes, then we need to make changes to the way in which the access arrangements occur, and that would require that the government opens a conversation with the legal fraternity and perhaps changes regulations or clarifies the legislation in some way. That would mean that it was actually a meaningful opportunity for mothers who feel that they have no option but to place their child.

I think we, as an organisation, think that the reality is there is no woman who wants to place her child for adoption. No-one wants to do that. No-one has a child and goes, 'Oh, I just don't feel like it anymore' or 'I can't manage'. The truth of it is if I cannot manage, then family or the government are best off to step in. Because if someone steps in and helps, in the end of it, it will cost less to the government to do that than if they waited until there was a breakdown in the family and then had to spend a great deal more. Economically it makes no sense to do what we are currently doing, and emotionally it makes even less sense.

Adoption has to be built on a notion that women somehow do not want their child, do not want to have contact with their child—and we know that that is simply not true; we just know that. As women we know it, as men we know it, as a society we know it. It has never been the case. So why is it that we think it should be the case for this small number of women who mostly are young, mostly do not have support of family or friends or society? It beggars belief, really, that we still think that this is an okay thing to do.

**Ms FRASER:** If the government stepped in and helped finance families who were in trouble, or young women who were in trouble—financially, I suppose, is the bottom line, but helped with their health issues, with

their mental health issues and with their family issues—it would be far less costly than what is happening, to then try and help them when it all turns to hell.

**Ms MEGGITT:** Yes.

**Ms FRASER:** It is much better to get in pre-emptively.

**Ms MEGGITT:** I would like to turn to the issue around access to information, which is something that was long fought for. Sadly Victoria's history in this area is a bit unhappy. We were the first to get access to information for adopted people, and we were very glad for that. That was from 1984. It took until just a few years ago for natural mothers—for the mothers, the first families—to get that access to identifying information. We are really aware that there are many women who are now older who do not know that they have that right—who do not exercise that right because they do not know they have that right. We would argue that the government has some good legislation. It would be in the community's interest to ensure that that is known about, and we would argue that there is good reason for the government to spend some money and have an advertising campaign, have an information-providing campaign of some description, to ensure that women for whom this has been potentially a well-held secret are actually provided with an opportunity to know that that secret is no longer needing to be held.

There is an argument that says, 'Well, that was the understanding they were given when they signed the papers'. It is an argument we had for years prior to 1984, and continue to have, but it is based on the assumption that women did what they wanted to do, and they did it because they were not in a position to have this child and that they would not like to know now because it would be disruptive. But actually what we know from the research that has been done is that that is not what women think, that women have managed this secret because they have felt that that is all they could do and that if they were given the freedom to step out from under that secrecy they would take it with gladness—because what we did was in the hope that we would provide our children with something that it appeared we could not provide them with. And to know that we made a good decision or even to accept that we made a decision that did not work the way we would have hoped is actually a better thing than to not know anything at all. To not know anything is a nightmare. It is an absolute nightmare to live it, and we would not do that to our enemies, much less our friends.

Why do we think that it is a reasonable thing to continue to have this situation occur where women do not know that they are entitled to information if they were to just ask? It does not mean that they will necessarily go out and make contact with their offspring. But what it provides them with is the opportunity to do that if they would like to, and that is significant. It is reparation. I think there is no argument any longer that wrong was done, and where wrong is done then reparation is reasonable to expect, and if it is as simple as saying, 'You have the right to know your child and something about that child's wellbeing', that seems so little. It seems so little to ask for that now, so many years later. My son would be 48. My son has died. I do not have the opportunity to have that relationship with him anymore. But I can long for it the way I used to, and it seems to me that it is a violation to think that there are women out there who do not know that they could have had what I ended up having, which is to know my child. It is serious, it is important and it matters.

So on that matter as well there is a significant issue about access to information. One of the key questions for adopted people in particular is how they acknowledge who they are, and this goes to the matter of birth certificates. It is a fraught space, birth certificates, because there are rights and obligations. There is also the legality of saying, 'This is who you are', and how do we do that without compromising that certainty and the safety of knowing that a person is who they say they are. We would support what adopted people have said, which is that they would like to have both parents clearly named as people—one who gave birth to them and the other who raised them—and we think that that is an important thing that the government needs to facilitate.

One of the Senate inquiry recommendations was that the births, deaths and marriages should do something that covers the whole of Australia. It is very hard to see who is driving that. It looks like no government is, and would ask—we have asked—that the Victorian government take a lead role in this and actually push the national government and push the other states to do something that would mean that we actually do ultimately have birth certificates that acknowledge the truth of the adoption status. Adopted people do not need to apply for them. They can choose to. The ones who currently are in this situation can choose to have a revised birth certificate or use the one they currently have. They could choose to have one that acknowledges their natural family but that they do not use. There are ways around this; we just have to be willing to do it, to take on board

actually doing it, and we would argue that that would be a good thing to do. It might not even cost very much money—heaven forbid!

I would like to turn us now to the issue of counselling. This has been such a long journey. We have asked and asked and asked and asked till we are blue that there be counselling services provided to women who have placed a child for adoption in the past. After Julia Gillard did that most wonderful apology a pool of money was provided, and in the end it was given to Relationships Australia and through each of their state bodies. But for some reason unknown to any of us, providing counselling was prohibited. That seems crazy. It just seems crazy. I think what is astonishing, truly astonishing, is that agencies here in Victoria were given money through the government, through the national as well as the state government, to provide for their workers—the ones who we come and talk to to say, ‘Can you give us some information about our child?’—to go through a mental health first aid support program, which is quite expensive, I can tell you. I have been through it. It is \$600 or \$700 per person across all the agencies. Now, these are people who are listening to our story. They are entitled to counselling money, but we are the ones telling the story. Is that not ironic? Is that not the most bizarre thing that you can think of, that the people listening to our story get the counselling money—that for 35 years or longer we have asked for counselling money and none is forthcoming, but we can give it to the agencies? Nothing has changed. The power balance has not changed. The things that are fundamental to healing, to repairing, are not happening, and we have had inquiry after inquiry after inquiry. Honestly, there are times that I just want to sit back and weep, not just for the loss of my child but for what happens in a system that is blind and deaf. I will leave that thought there.

One of the things that we would really like is—there was the *Without Consent* exhibition some time ago, that maybe some of you went to. What do you call that when it is not permanent?

**Ms FRASER:** Temporary?

**Ms MEGGITT:** Temporary? Brief? It was an exhibition that I cannot think of the word for. We would really like it to be a permanent installation somewhere. We were thinking about the nurses federation: they have been very thoughtful in their responses to us and they have got a brand-new building. It could be a fantastic art gallery opportunity. All we need is someone to drive it, someone to drive the bloody idea, and some money—small beer, fantastic outcome. It would be acknowledgement. It exists already; it just needs to be turned into something permanent instead of transient. That would be a fantastic outcome for us.

**Ms FRASER:** All of the exhibits are sitting in boxes now in a back room somewhere.

**Ms MEGGITT:** In a government department.

**Ms FRASER:** Yes. And there was so much work, and heartfelt work, that was put into the exhibits in that exhibition. It should be there for everybody to see permanently.

**Ms MEGGITT:** And the only other thing that we would like to comment on is that we have this beautiful memorial down in the triangle garden down there. Unfortunately, for some unknown reason, we were not included in the initial discussions around a new memorial that is going in there, which is the family violence memorial. We were invited into that six or seven months after it started, and it basically has taken no account of our memorial, its place, space for it, what it means to us and what the initial undertakings had been between the government and us in the conversations that led up to putting that in place. The consequence of that has been that we have agreed to have it moved from where it was to somewhere else. It is not ideal, but short of making an enormous hullabaloo and having them undo six months of work and upsetting a considerable number of relationships, we figured we would be better off to accommodate, again, than to say, ‘No. We don’t want you to do what you’re doing’.

We are not happy, but we are accommodating it because we do not want to make things really difficult for another quite traumatised group of people, those who have experienced domestic violence. But in our initial discussions with the government, one of the things they said was that we could be guardians of this space, along with the Aboriginal community, who of course are guardians of all of this. We would like that written down somewhere so that whenever the next thing comes—because there is a view that this space will be held for a number of memorials. We think that is a good thing. It was always to be the case. It was intended that there would be a fountain, that there would be some seating, some resting place, that it would develop, that there would be a—what is it called?

**Ms FRASER:** Amphitheatre.

**Ms MEGGITT:** An amphitheatre. Those things will have to wait until it is the right people, the right organisations and it becomes part of the story, but we could be left out again. There is no reason why we would expect that we might be included, because we were not the last time, and unless something happens, we can only assume the same thing will happen again and it will once again be one of those incredibly insulting, hurtful experiences that we could well do without.

**Ms FRASER:** Getting back briefly to the counselling, which is incredibly important—but it is next to useless if the counsellors do not know what they are talking about. There really needs to be adoption-specific counselling. We have had members who have said to us, ‘I went to whoever for three years and eventually got the courage to say, “Oh, and then there’s the son that I lost to adoption”’, and the psych had said, ‘Well, let’s get back to the issues. We’ll talk about that another time’. One in particular never went back to him because that was the issue. They just do not understand. They do not have the specific training for it. There needs to be so many of them. There are so many of us and so many adoptees—and the fathers too and other extended family members for that matter. There is a very large ripple effect with adoption. Also, as Marie said, Relationships Australia Victoria is in charge of the FASS funding here in Victoria. VANISH at the time put in to do that, and for whatever reason it was given to RA. VANISH is the only self-help funded group who cover adopted people, mothers, fathers, donor-conceived, forgotten Australians—everybody. I am sure you are fully aware of that. They know what they are doing and they know what they are talking about. Marie was one of the people who founded VANISH in the first place, and they need more funding. It would be advantageous in our minds if they were actually given the FASS funding rather than RA, because they just know so much more than anybody else does.

**Ms MEGGITT:** Or a really radical idea: the government could give some more money apart from the FASS funding to a proper counselling service, and if it was run through VANISH, that would be absolutely ideal, because at least they know what they are talking about, because the truth of it is that we do know what we are talking about. Psychologists who we train would actually be able to deal with these issues much better than many others.

Actually, that reminded me of the last thing I want to say, which is: there is a pool of recommendations that have been done by the Senate inquiry, that will be done by you and that have been done by other groups. It feels like it is time to set up a small team in, say, the Victorian Government that has the resources, that has the skill, that has the drive, that has the backing to actually implement the recommendations that have been made. There is not much news in any of this. There is not much news at all. We keep going around and around and around. If only we could just stop and say, ‘Here are six people who we will fund to drive these recommendations’ and just get it done. Just get it done.

**Ms FRASER:** And one of those recommendations from the federal apology that has not been done is getting information from the hospitals. We have a member who recently requested through the Women’s an FOI to get her medical documentation from the hospital. It cost around about \$120. She is on a pension. Her husband is dying from cancer. She is not in a good place, and she has had to fork out all of this money for her own information.

I tried to get information from Queen Vic some years ago about my time in there. I was told I was not in there, and apparently I have not had a son. So I ended up going through FOI, and all my information has fallen off the back of a truck, along with a lot of other people’s, which has been well known for some time with QV. When it got pulled down, all the information went to Monash, I believe, but so much of it is missing.

I have met my son; I have known him for a very long time. I know what happened, I have the consent form signed by the almoner there, when apparently I was not even in the hospital. It is just ludicrous, and it is insulting. There is another member who has had two babies adopted, both of whom were born at Royal Women’s, and she was given the same information: you were never here. She has got the little booklets that they filled in while she was in hospital with each of the babies, and she read them out over phone and they still said, ‘Oh, no. Sorry. You weren’t here’. That is outrageous, and we should not have to be put through that. So something needs to be done for the hospitals to be brought to account—well, not having to go through FOI in the first place and certainly not having to pay for it. It is our information, and they are the ones that did the wrong thing by us.

**The CHAIR:** Okay. That has been pretty extensive. Thank you. I do not know if there are many questions. We have gone through so many. It has been very good, so thank you so much for your evidence. It has been absolutely valuable—in your submission and presenting here today. Committee members, do we have a question? Christine?

**Ms COUZENS:** Yes, I have got one.

**The CHAIR:** Thank you.

**Ms COUZENS:** Thank you both very much for coming along today. We really appreciate your input and your submissions, so thank you very much for your time.

You talked about the counselling, and I picked up on that quite a bit during this inquiry where a lot of women are saying the counselling is not specific to their needs and they have found it quite useless at times. But they have also raised issues about existing organisations not meeting their needs in the whole range of things, and I am sure you have read the submissions on the website. So how do you then address that issue where, if you are saying agencies need to get more money to provide appropriate counselling—which I do not have an issue with—but the women—

**Ms MEGGITT:** Not adoption agencies.

**Ms COUZENS:** Pardon?

**Ms MEGGITT:** Not adoption agencies.

**Ms COUZENS:** No, I am not talking about adoption agencies.

**Ms MEGGITT:** You said agencies, and I went—

**Ms COUZENS:** Well, organisations—however you want to term it.

**Ms MEGGITT:** Yes.

**Ms COUZENS:** If funding goes to them to provide those services, are the women going to use them? If there are already concerns about—

**Ms FRASER:** Well that could be part of the advertising that we talked about before, just letting the public know.

**Ms COUZENS:** I think these are women that have been through forced adoption. They have gone to various organisations or agencies, whatever you want to call them, and are not satisfied with what has come from that. So how do you then address that issue if funding is provided to provide more specific related counselling?

**Ms MEGGITT:** What we have argued is that there needs to be a pool of counsellors who go through a certain type of education that at least in part should include voices from the triangle, and that they go through something that is thorough, and then they get developed as, you know, the list of referral points for people. You know, I am conscious that for example when we do this rollout of the vaccination there are going to be certain medical clinics that are going to be the places that you go. Well, there seems no reason why we could not say, ‘Here are the counsellors, the psychologists or psychiatrists, who have voluntarily gone through the process of being taught about the issues’, and so they are the ones who will go on the list to have access to this opportunity and therefore access to this pool of money. There are ways around it

**Ms COUZENS:** Also you raised the issue around compensation in terms of going forward and what has been recommended in the past. Can you just expand on that a little bit?

**Ms MEGGITT:** Talk about it a bit?

**Ms COUZENS:** Yes.

**Ms MEGGITT:** It is fraught, it is fraught. It is horrible because there is a division of views about this. Some mothers go, ‘What can compensate me for the loss of my child, for the loss of the opportunity?’. But we are also really conscious that we have a lot of women who have mental health issues that are really significant and that they cannot get the kind of help they need because they cannot afford it. So it is like straddling a barbed wire fence. We think that the opportunity should be there and that if people want to make an approach to get that money, then they should be entitled to without someone going, ‘You’re being paid to give me away?’. I mean, this is always going to be fraught. This is always going to be trouble, and it is going to cause difficulties, I imagine, in some relationships. But at the end of it what we know is a great wrong was done, and if this is one way that we can help sort some of that, then it is best done rather than not done.

**Ms COUZENS:** Yes.

**Ms MEGGITT:** It is not easy, though. It is not easy.

**Ms COUZENS:** No, no. I am sure it is not. My last question is: are there other specific recommendations that you would like to see the Committee deliver in its final report that you have not already—

**Ms MEGGITT:** I was going to say, apart from all of the ones—

**Ms COUZENS:** Yes, yes. I mean, it is pretty comprehensive, but I just thought I would ask.

**Ms MEGGITT:** You have got a couple of pages there!

**Ms COUZENS:** Some people think of things during the discussion at the table, so I just wondered whether there was anything you really wanted to highlight that you have not already.

**Ms MEGGITT:** I mean, I think we are at the point where if we could just have a small group in the Department who could actually drive doing something, that would make—we did not put that into the submission, but it requires someone to put their shoulder to the wheel. It requires will, and we cannot do that. Only you can do that part of it. Only the Government can set this up. Probably the thing that we are quite anxious about is what might happen with the current legislation, the out-of-home care legislation, where adoption is at the top of the pile in terms of what is a good thing to do—a good way to proceed. We just know it is not. We have a government at the moment that will not do that, but the day will come when we do not have a Labor government, and they will implement the letter of the law, because that is what they did. It is really important that that gets changed.

**Ms FRASER:** We were promised that it would be taken off when Labor got in, and that has not happened. Although we have been—

**Ms MEGGITT:** On it.

**Ms FRASER:** assured that, it has not happened and it is not happening. But as Marie says, who knows what is going to happen at the next election?

**Ms MEGGITT:** We feel like we are running out of time on that one, and it is frightening, because we do know, if we look at what has gone on in New South Wales, I mean, it is a breath away. It is a moment away before it explodes again.

**Ms COUZENS:** Okay, thank you both.

**Ms FRASER:** Thank you.

**The CHAIR:** Thank you. Well, I think that concludes the official question session. Thank you so much for your valuable contribution and the time that you have taken to be with us today. The next steps for the committee will be to deliberate on all the evidence that has been submitted, and then the next steps will be that the committee will put forward a report with strong recommendations to the Victorian government. We will, through the secretariat, keep you updated on the progress but most importantly the response from the government to our report. The report is due to be tabled by 1 July this year.

**Ms MEGGITT:** You will have to get your skates on.



**The CHAIR:** Absolutely. Thank you again, and all the very best. We really appreciate it.

**Ms MEGGITT:** Thank you.

**Witnesses withdrew.**