

TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Responses to Historical Forced Adoptions in Victoria

Melbourne—Wednesday, 12 May 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

Mr Peter Capomolla-Moore (*via videoconference*).

WITNESS

Mr Peter Capomolla-Moore (*via videoconference*).

The ACTING CHAIR (Ms Settle): Hello, Peter, and welcome to this Inquiry into Responses to Historical Forced Adoptions in Victoria public hearing. First of all, I would like to acknowledge the traditional owners of the land on which we are meeting and pay my respects to their elders past and present and the Aboriginal elders of other communities who might be here or involved with the inquiry today.

I declare open the public hearing for the Legal and Social Issues Committee's Inquiry into Responses to Historical Forced Adoptions in Victoria and ask that all mobile phones now be turned to silent.

I would like to welcome Peter Capomolla-Moore to the inquiry. Peter, if I may introduce myself, I am Michaela Settle, the Member for Buninyong. To my right is Meng Heang Tak, who is the Member for Clarinda.

All evidence today 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. You will be provided with a proof version of the transcript for you to check as soon as available. Verified transcripts, PowerPoint presentations and handouts will be placed on the committee's website as soon as possible unless confidentiality has been requested.

The committee is interested in hearing about your experience of forced adoption and in particular the services that you have accessed and what outcomes you would like from this inquiry. I will invite you now to proceed with a brief opening statement to the committee, which will be followed by questions. Before we go to that, can I also just apologise for the numbers obviously on the committee today. A couple of our committee members are very unwell today, but I can assure you that Heang and I are very interested to hear your submission and look forward to discussing it further.

Mr CAPOMOLLA-MOORE: Thank you. Yaama. I stand before you today as a Kamilaroi man of Aboriginal and Italian heritage, amongst others. I also pay respects to the elders, past and present, whose lands I speak from today.

I am going to ad lib a lot of this. I have written stuff down, but I think I know my story well. I am guessing you are familiar with my story—that I discovered my adoption at age 59 via AncestryDNA, where I matched with a sibling, although I was not aware at that time that that is what I had actually done. It took me a while before I came to understand DNA. It has been a rollercoaster journey. Early in my discovery I was led to a forced adoption page from the national archives, which led me to seek further assistance. I found that lacking to me.

Having made this discovery, there was an urgency then to find the truth. I hardly slept for six weeks. This was at the forefront of my mind. I applied to Relationships Australia, the New South Wales branch, who told me, 'Yes, we'll send the paperwork out. Sign it, make sure it's witnessed, and if we find anything, we'll assign you a caseworker'. That was not what I was looking for. I was looking for answers. I was looking for a speedy resolution to my identity, and that was not my experience. It was frustrating. I rang them up a month later and went, 'I've had enough. You haven't contacted me. What's going on?'. And they said, 'Oh, it could be six or seven months yet'. I went 'No, not happy. I can't function with that'.

I went directly to family and community services and spoke to a lady there who was very empathetic and said, 'Look, if you can get a doctor's certificate that says that this is affecting your ability to function, we may be able to speed this up'. I did that. I wrote a four-page letter to go with it and it sped it up. I received my adoption certificate within a week of sending that, and it was quite unexpected. I got that on the Friday night before Mother's Day in 2017. It took a few minutes of Google searching my mother's name and from I had worked out from the DNA what I thought would be an ancestral surname—within minutes I found a brother. I sent him a message that night, I saw that he had read that message at 5.00 am in the morning and by just after 5.00 pm that afternoon I was speaking to him and then consequently to my mother for the first time. That is what I needed. I was fortunate all the stars lined up.

I cannot say enough how frustrating it was to be told it was going to take seven or eight months to get that information that was vitally important—not just to me as a late-discovery adoptee, but from discussions I have had with other adoptees that is a great source of frustration to them as well.

My adopted sister—I contacted her first to tell her that I had the adoption certificate—volunteered to tell my adopted parents that I knew. She herself did not know. She told them on the Saturday, which was the day before Mother’s Day. She arranged to meet them on Mother’s Day to take them out for lunch. I arranged that I would get there just before she did.

And this brings me to the divided loyalties that adoptees have. We have this feeling that we do not want to upset any adoptive parents, but we want to find our own biological families. That is incredibly important to us. Whether the reunion is good or not, it is an overwhelming desire and need. When I applied to Relationships Australia I had to sign a bit of paper that said if there was a veto, I would not contact them. I can tell you here honestly that in no way was I going to honour that commitment. If I found my mother, I was going to go and knock on her door no matter what any piece of paper said. It was just the strongest of urges.

But back to my Mother’s Day. I was greeted at the front door by my adopted father, who said, ‘You saved our marriage’, followed by, ‘We burnt the papers when you were a teen because you were always ours’. Now, this was a realisation that this was not about me. My adopted sister arrived, and I had told my adopted parents the story about how I found out, the DNA discovery, to which my adopted mother said, when she found out that I was going to fly to Queensland to meet my mother, that she wanted to go. I did not want that to happen, but I did not know how to say that. Luckily my adopted sister spoke up and said, ‘No, it’s Peter’s journey. He needs to do it alone’, to which my adopted mother said, ‘But you said she had a stroke. What if she dies and I never get to meet her?’. That was the final one that really showed me that it was not about me, and all I was thinking was, ‘What if she dies and I do not get to meet her?’. My father died and I did not get to meet him.

You know, I realised at that point that I would have no questions and that the questions had already been answered. I had pondered before that meeting what would have happened if they had taken it to their grave, what questions I would have been left with—how horrible. But yes, that meeting dissolved any questions I had. I realised I would never get any empathy or sympathy or apology. It was not about me. It never was. I was a replacement child. They had numerous miscarriages in the six years before I was adopted. It was all about saving their marriage. That is not to say that they did not look after me and they did not give me a good upbringing—they did. I might not have been physically or sexually abused, but I was emotionally abused, and my human rights were definitely breached.

I have eight siblings. I think you probably already know that. One of those died in November last year—the first one I spoke to. I had to attend his funeral in November, which brought up all the usual stories of teenage years and whatnot—the realisation that I was not there to share those experiences. In the last few weeks my adoptive father died. That brought up some more emotions. I had to make a eulogy. That was difficult. Now, these are situations I should not have been put into. It is trauma on trauma. It is still unfolding. It is intergenerational. The birth certificate is a big one for me—the realisation that I had what I call a fake birth certificate.

In the proceeding months after my discovery I had some memories return, and one of those memories was being in a science class at school. We were being taught how blood types worked and how to identify what blood type we were based on our parents’ blood types, and we brought our parents’ blood types in. I was already aware what my blood type was, and I soon realised that that analysis did not add up. I remember now that I did not say anything to anyone else in the class. I waited until everyone left and confronted the science teacher, who took one look at it and said, ‘Well, that’s not your father then—you’re adopted’. To be honest, he was the only honest person I had ever had in my life, you know? I am not critical of what he said; he was being honest. But of course that made me question. As time went on I started to recall other memories, and I recalled having an argument with my adoptive father maybe some weeks or months later and blurting out that he was not my father, I was adopted, to which I immediately felt guilty and never said that again.

As time went on some more memories came back, and I remembered asking for the birth certificate. And I remember waiting for that and my adoptive mother showing me the birth certificate, and there, their names were on it and my name was on it—well, he must be wrong, you know? And I buried that. There is no way that I would have gone on this search of 13 500 people in my family tree and gone to all these family reunions

celebrating the Moore name and had a headstone remade for the Irish convict ancestor and created my own anniversary thing, a celebration of this ancestor, when I knew it was not my ancestor. I had no idea it was not my ancestor. Everything was based on that fake birth certificate, and I cannot emphasise how much that has affected me, knowing that my life was basically a lie and everything I knew was a lie.

I am just trying to have a look at my thoughts here. I wrote a big thing here, but I do not want to read it all. I wrote here the national apology was the most theatrical memorial. The state apology at Parliament House seemed to be so procedural. I post YouTube links to international adoptees I converse with around the world through the myriad of Facebook groups of adoptees that exist here and abroad, where the voices of despair, anger, trauma and advocacy are frequent—the stories are told, the empathy flows.

Our apologies gave me some satisfaction of acknowledgement, and I tear up each time I replay that. But when I analysed that, it was not about forced adoption. That was not the thing that was foremost in my mind, the fact that I was forced, and in fact when I spoke to my mother the first words she said to me were, 'I was forced'. But the adoption itself was the thing that I was traumatised by—the realisation that I was adopted and this had all been a lie and I was separate from my family. I am not related to my mother, who I converse with every week. I have only known her in her later years—88. And, as I say, all those lost opportunities to be a part of my siblings' lives, my grandparents, my aunts and uncles—you know—my cousins.

Reunion is a hard thing. I am more fortunate than most that I have had a reunion and it has been reasonably good. I have various close connections between siblings, some more than others, some cousins more than others. My reunion has been a silver lining under a very dark cloud, and I take that for what it is. I would describe it as being Swiss cheese-like—you cannot get everything you want and will never get back everything that was lost. I realised after 3½ years of advocacy work that often I was paid lip-service. We have submitted to inquiries and things, and although the overwhelming evidence was one way, the decisions of the inquiry and the legislation went the opposite way. I thought, 'There is only one way to do this. I need to take some legal action', only to find out that there is no legal action, that I am restricted by the statute of limitations, and I feel strongly that there should be no statute of limitations on child abuse no matter what that abuse is. How can it be conceived that a child could actually take legal action within a specified period, or even an adult who takes many, many years to come to terms with what has actually been done? It is delusional to expect that. It just should not be there.

I do not want to take up all of your time, because I am really looking forward to some of your questions. I do have some questions here. I do not know if you are aware: I am a primary ethics teacher. I do not know if you are aware of what primary ethics are in primary schools. It balances out the kids who cannot do scripture. They are not able to do schoolwork because they cannot disadvantage the kids that are doing scripture, so primary ethics was developed to ask ethical questions of children where there are no right or wrong answers; it is just to make them think. It got me thinking—I was on their forum—about adoption and the ethics of adoption, so I started to formulate some ethical questions, which I then put in the Adoptee Rights Australia members group, and I asked other adoptees for input into those. So if you run out of questions, I have lots of ethical questions to pose back to you. But I am really happy to take any questions you want to ask. There is nothing off the table as far as I am concerned. Please fire away.

The ACTING CHAIR: Okay. Thank you very much, Peter, and thank you very much for sharing your experiences. I know certainly, for me, to hear unique experience really informs the way that we look. You mentioned before that perhaps Parliament can be too procedural, so it is really important for us to engage with people around their direct experience so we can really make sure that it is at heart about people—our responses and our report. So thank you very much for sharing your experience.

I have got a few questions I want to ask you about—and I will certainly make sure I have got lots of questions so that my ethics are not questioned. But the first thing I want to ask you is around birth certificates. I understand you see the birth certificate you are provided as an adoptee as a lie. What would you like to see this inquiry recommend in terms of birth certificates for the future?

Mr CAPOMOLLA-MOORE: I believe that birth certificates should be a snapshot of the time of birth and as far as possible a factual document, with limited ability to modify that and only to modify it to reflect, in the instance of a father who was not there or later whether it is DNA evidence or whatever, that it determines that the wrong father was put on that birth certificate, that those details should be updated. I think that should be a

mission of any record keeper—to keep accurate and trustworthy documents. I do not see births, deaths and marriages as aspiring to that, where you have legislation which counters that. It seems to me that is a basic function of record keeping. But I think I should be able to have not just access but I should be able to use my original birth certificate and have it updated to have my father's name on that.

If there was adoption, I do not see a case where there is no other alternative care path for a child other than adoption. There are many other care paths, and no-one has been able to give me an example where there is no alternative other than adoption. There are plenty of alternatives. There is guardianship and foster care, there is long-term foster care. Being a foster carer myself for over 10 years, I had a child in my care for around 10 years, coming up to adulthood, never considered adopting them and they would not consider having my name. They have a great relationship with their siblings. It is an open door policy for their siblings. They have a biological family which is very important to them.

So what could you do? What could have been done? They have an adoption certificate. It could have been used in a similar way to a marriage certificate. You do not change your birth certificate when you get married. That is a possibility. But again, I am not promoting that there is a need for adoption.

The ACTING CHAIR: Thank you, Peter. In terms of your situation, in your submission I noticed you talked about discharge and discharging adoption. Do you see that as a remedy to this? I do not understand the process. Does that then return your original birth certificate, during discharge?

Mr CAPOMOLLA-MOORE: Yes, it does return your original birth certificate. Look, not all adoptees would want that, but I think for present adoptees or for even future adoptees that should be an option for them. We settled this in divorce in 1975 with no-fault divorce, and here we are 46 years later—is that correct?—and we have not done anything about adoption. Under the *Adoption Act* I am classified as a child—forever. It is the definition under the act. Surely as an adult I have the right to identify. The same as LGBTQI+ peoples have a right to identify, surely I should have a right to identify with my biological family and name. And I am not suggesting that every adoptee would share that view, but at least they would have the option. And we have many adoptees that I know in our organisation who do not want it, but they agree in principle that other adoptees should have that right and it should be no fault, no fee. If there is a waiting period, a cooling-off period, like in divorce, fine.

The ACTING CHAIR: Peter, can I ask you what is the difference, then? Because discharge is an option at the moment; is that correct? So what differs in what you are asking for? Is there an onus on you? If you were to apply for discharge now—you talk about the no fault—do you have to provide a reason?

Mr CAPOMOLLA-MOORE: Correct. You have to provide a reason: exceptional circumstances. There should have to be no reason. We should not have to prove that either the adoption certificate was not signed by the mother or any one of these other things. We should not have to go through courts to try and prove evidence that something had happened 50, 60 years ago. It is about a human right to be who you are. It is not time to blame someone from the past. It is about, 'Let's move on with our lives and go in the direction where we want'. This is multigenerational. It does not just affect me, it affects my children and my children's children. I am getting approached by children of adoptees who are looking for their information but cannot get it because—I do not know about Victoria—in New South Wales if the adoptee dies then the child of the adoptee has no right. But my own view is that everyone has a right. The descendants have a right. It is their history too, and they should have just as much right as anyone to have access to that. I do not see why that access was denied to them.

The ACTING CHAIR: Okay. I have some more questions, but I had better offer a question. Did you have a question?

Mr TAK: Yes. Thank you, Acting Chair. Thank you, Peter. I have got two questions. First, in your written submission and in your oral deliberation today you talk about the difficulties in terms of the reunion. Can you share with us a little bit more on that?

Mr CAPOMOLLA-MOORE: I think reunion, in my case, it was fairly good. There are some siblings that I do not have a lot of contact with; there are others that I have very close contact with. I ring my mother every week. It is like building a new friendship. You can only build a friendship if both parties want to be friends. You can only build a relationship if both parties want a relationship. Many of these biological mothers are

traumatised. They were never given a mental healthcare plan. I know my mother has never had any counselling as to that. As I have mentioned counselling I will just diverge here a little bit. We are offered a minimum amount of counselling, but counsellors are not psychologists and they are not psychiatrists, and the funding for that does not exist. A lot of adoptees need more than just counselling, but they struggle to be able to afford it.

But back to the reunion question. Look, I hear lots of horror stories where adoptees get rejected twice, and I hear other stories where people have been in a reunion for 20 years-plus and then it breaks down. That is always a fear when you hear those stories and look at what happened to you. But overwhelmingly I think it is worth pursuing, and I think society could make that easier by demystifying and changing the narrative of adoption. We have this blanket media coverage of all these happy adoptee stories which never mention that the adoptee has lost a mother, lost a father, lost grandparents, lost siblings, lost cousins and uncles and aunts. It is always a one-sided story, and I think that just isolates the biological mothers and the biological siblings. It does not give them an understanding. They sometimes think, 'Oh, well, it wasn't all roses here either. You're lucky you got adopted', when it is not about that. I do not look at it as though the grass is greener on the other side or the grass is greener on my side. It has got nothing to do with that at all. If that was the case, then if I found some millionaire adoptive parents somewhere should I just jump ship there too, you know? Basically I am not that materialistic minded. It was never about that, and it was never about inheritance, which I think is another big one that siblings sometimes worry about and discuss behind closed doors—'Are you only there for the money?'. That has never entered into my case, and I have never heard another adoptee say that that was there need, their want, although I do not think that inheritance access should have been severed. I think that just complicates it. But yes. Anything I missed?

Mr TAK: Okay. Chair, just one more question. Then my next question would go to the pre-reunion in terms of in your submission you found your family through DNA. What sort of service do you think the government should be providing for people who are wanting to find their natural family through DNA?

Mr CAPOMOLLA-MOORE: I think there could be a lot of assistance there. I also think that it was not a perfect way for me to find out, and I think the governments have a moral obligation and even a duty of care to inform adoptees like myself who do not know, who were never told, in a controlled environment. I cannot tell you what that framework should look like, but it should be a controlled environment—maybe there should be a media campaign saying, 'Look, there are all these people out here', because most people have no idea. But the government does hold those records and knows who those people are. They can tie it up, and for research purposes they can tie it up with Medicare and myGov and all that and do some more research on the outcomes of adoptees over their life spans.

But yes, I do not know how many people are still out there in the situation that I was in. But what I will say is that no way would I ever want to change and erase me finding out. It is much better to live with the truth than to go on living a lie. I am fortunate that I did find out. There were many things that led up to that, with my interest in genealogy and that, and I would not change that, no matter what. The truth is it did damage relations with my adoptive parents—I cannot change that; I cannot feel any different about that. It is what it is. And you have also got the medical side of things, the vital medical history that we do not have and are denied. Again, it is a human rights abuse. The United Nations Convention on the Rights of the Child, especially articles 7 and 8, is about our rights to know who our parents are and have it documented and to remedy that situation as quickly as possible—if that is not the case, then I think adoption, especially the way it is, is in breach of that, which Australia is a signatory to.

Mr TAK: Thank you, Peter. I may have a few more questions, but I will hand back.

The ACTING CHAIR: Thank you, Peter. I am interested on a broad level in what you would like to see as an outcome from this inquiry. I mean, I can hear you loud and clear that certainly adoption should be something questioned overall, but in terms of where we are at the moment you have talked about things like the statute of limitations, so are there a few things that you would really like to see come out of this inquiry, like the statute of limitations?

Mr CAPOMOLLA-MOORE: Yes, I would like to see the statute of limitations removed. I am not sure of the legislation in Victoria, whether they have vetos or not. If they do exist, I think they should be removed. I think we should have quick access to our records—not this taking seven or eight months, or whatever the case may be, to get records, and often in cases we get redacted records with big, blacked-out pieces. From listening

to other adoptees who have applied more than once for their records, they find that the second time they apply they get a totally different set of records from what they got the first time, so they gain more. It makes you wonder whether it is a time constraint and they go, 'Oh, that'll do. I'm not going to search anymore', and the next time someone else gets it and searches somewhere else and finds some more. It seems to be that it is worthwhile to apply a second time in the hope that you might get some more. It just seems to be that there should be more emphasis. We talk a lot about the rights of the child, but we never talk about the rights of the adoptee.

The ACTING CHAIR: And in terms of the services, the services that you talked about—who you met with in Relationships Australia, that did not sound very satisfactory in terms of the time frame—have you gone to any other services for support? Do you think we provide psychological support? What is your general view on the services around adoptees?

Mr CAPOMOLLA-MOORE: Okay. I also sought out the Benevolent Society Post Adoption Resource Centre. I did have some counselling sessions with them. Whilst they were okay, I found more support in Facebook groups and private Facebook groups amongst other adoptees. And the biggest thing I think that we get is we get invalidation out in the general public, and that is a trauma in itself. You know, being gaslighted or invalidated on how you feel—'Oh, you're lucky. You're special'—all these things. Only an adoptee seems to be able to understand an adoptee. We would like to be able to educate everyone else, but we are battling against this media perception, which probably started for many of us with Disney stories. Walt Disney was an adoptive parent. He had a narrative to pursue, and it is built on that. It is an uphill battle to be recognised as vulnerable people who are traumatised.

The ACTING CHAIR: So do you think the peer support model might be more appropriate for services?

Mr CAPOMOLLA-MOORE: I think the peer support model is good. I think when you look back at the forced adoption apology and what came from that, a lot of that was mother centric, birth mother centric, which is fine. I take my hat off to those mothers who fought so hard. They were really trailblazers, and what they did with such a small group of people inspires me. One of my first contacts was with Lily. I forget Lily's last name, but Lily is from Origins, and she gave me my first history lesson. I am indebted to her for that. I am in awe of all of what they did, and that is what keeps us going—just knowing that they did so much with such a small base. But I think a lot of it was centric to mothers, and adoptees were not really part of that process.

The ACTING CHAIR: Thank you. Did you want to question us now, Peter?

Mr CAPOMOLLA-MOORE: All of this raises questions. I think I have covered a lot of them. Listen, I have got 20 questions that came up about the birth certificates, but these were ethical questions. Should a birth certificate be a snapshot in time of a birth and an accurate and trustworthy document? Should government and others have the right to order a child's birth certificate to reflect another family to which they have no biological connection? Again, is there ever a compelling argument to legally erase a child's birth certificate and then create another that falsely states a child was born to adoptive parents? Is there ever a case where there is no alternative care path for children other than adoption? Would any governments or others deny a child's human right to know and identify with their biological families and surname? Should a child, then adult, have a human right to know and enjoy their biological family—including mother, father, grandparents, siblings, aunts, uncles, cousins—throughout their lives? Should a child, then adult, have a human right to know and enjoy their family history, heritage and cultures?

Is it ethical to place vetoes to prevent child, then adult, from contacting a biological mother? Is it ethical to legally gag victims of their adoption? As you mentioned in your preamble, I enjoy certain protections in this inquiry which I do not enjoy outside the inquiry. Why is that? Is it ethical to trade, swap and sell a child and their identity? Many adoptees like myself feel that we were commodities, you know, for someone else's life. It was not about us; it came down to, you know, supply and demand.

Should an adoptee have the right to discharge and annul their adoption by a simple no-fault, no-fee discharge in a similar way to no-fault divorce, which came into effect in Australia in 1975? Does the child have a human right to be nurtured by their biological mother, keeping in mind that separation is known to cause lifelong separation trauma? Does the so-called right to form a family give adults the right to commission or hire a

womb, commodify women's bodies for the production and commodification of a human being and deliberately traumatise said product via separation?

Is there any difference between the enforced trauma by separation and that which was inflicted in the so-called 'baby scoop' or closed record forced adoption era from a mammalian perspective of both mother and infant? I guess what that says is: is there any difference between forced adoption and adoption in trauma to the child?

Should an adult adoptee be legally treated under this situation as a child for life? That goes back to the legislation that always talks about the child and never about the adult and how this will affect the entirety of life, although the *Adoption Act* is for life, effectively—even though, yes, if you want to go to court and spend a lot of money and fight you may be able to undo it.

Should it be compulsory for those organisations who are represented by adoptees with lived experience be invited to all legislative reviews and amendments to the *Adoption Act*, whether legislative or procedural, so adoptees' best interests can be paramount? Should adoptees be bound to an adoption contract that we were a party to but did not sign or consent to? Should adoptees have unrestricted access to all records pertaining to their adoption? I will add on to that one: should all descendants of adoptees have unrestricted access to all records pertaining to their predecessors' adoptions? Should adopted people be recognised as vulnerable people in the health system, as they are in the aged-care system? I am not sure if you are aware that in recent times adopted people have been recognised in the aged-care system as being vulnerable people.

Yes. So they are my ethical questions. There are probably more.

The ACTING CHAIR: Thank you. You have given us a lot to think about, Peter. I would like to thank you very much for your valuable contribution today and your submission. The committee appreciates the time and effort that you have taken to prepare this. And we understand that to share it with us takes its toll as well, so thank you very much.

Please be assured that your evidence will help inform our understanding of the relevant issues, and we will make recommendations in a final report to the Victorian government. The committee will table its report by 1 July 2021, and we will endeavour to keep you updated on the Victorian government's response to our recommendations. So thank you very much for your time, Peter.

Mr CAPOMOLLA-MOORE: Thank you very much for taking the time to hear my story.

Witness withdrew.