

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

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

East Geelong—Wednesday, 31 March 2021

#### **MEMBERS**

Ms Natalie Suleyman—Chair

Mr James Newbury—Deputy Chair

Ms Christine Couzens

Ms Emma Kealy

Ms Michaela Settle

Mr David Southwick

Mr Meng Heang Tak

#### **WITNESS**

Emeritus Professor Shurlee Swain.

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Emeritus Professor Shurlee Swain.

**The CHAIR:** Good morning. My name is Natalie Suleyman. I am the Member for St Albans. To my right is Christine Couzens, MP, the Member for Geelong; and to my left is Meng Heang Tak, MP, the Member for Clarinda. I acknowledge the traditional owners of the land on which we are meeting today. I pay my respects to their elders past and present and any Aboriginal elders of other communities who may be here today.

I declare open the public hearings for the Legal and Social Issues Committee's Inquiry into Responses to Historical Forced Adoptions in Victoria. I welcome Shurlee Swain, Emeritus Professor, Australian Catholic University, here today. 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 on social media and other platforms you may not be protected by this privilege.

All evidence given today is being recorded by Hansard, and you will be provided with the transcript after the meeting, which you can proofread. Any handouts or presentations, unless they are deemed confidential by request, will be posted on the website.

The Committee is very much interested in hearing your views and in particular your experiences of forced adoption, the services and most importantly, I would say, what you would like to see from the inquiry. I now invite you to make a brief statement which will be followed by questions from Committee members. Thank you very much for being here.

**Prof. SWAIN:** Thank you. It will be a brief statement. I appear in a personal capacity on the basis of over 30 years of research as a historian of adoption, but I will also be drawing on my ongoing position as the historian chief investigator of the national Find and Connect web resource, which is a federally funded resource for forgotten Australians and former child migrants. I will also be drawing on my involvement with an international inquiry network on inquiries about what is happening in a lot of other countries with inquiries into abuse in welfare institutions through the welfare system. That covers North America, Western Europe, some Eastern European countries and increasingly it is extending into South America and Asia. I can talk about that if you wish too.

You will note I had four points in my submission. The first was that history continues to be relevant. Just because we have apologised and had an inquiry it does not mean that the damage goes away. In fact in some ways the story gets bigger, because people who had not really investigated their past in relation to adoption have now done so, and so there is a whole new generation coming on who are hurt by this practice. So services, redress and research are going to keep being needed. It is not going to suddenly disappear—which is always the hope when you have an inquiry, that you can draw a line under it. It does not work that way.

The redress measures that are offered to survivors of the various classes of historical abuse share the same characteristics: apology, memorialisation, improved records access and funded support services, but they are unequal. Different groups are getting different amounts, and that means you have got a lot of disputes both within and between groups about justice and fairness. The biggest one of course is around financial redress. We are the only group nationally who have been granted that—the people who went through the royal commission into sexual abuse. Nobody else has got that, and that affects people; they feel it is unfair.

In terms of the counselling services or the support services offered, the federal government has a preference for the one-stop shop of Relationships Australia. Relationships Australia is fine for those who find its services meet their needs, but there are other people who do not, who really want the lived experience to be part of the support service. So in Victoria we have VANISH, as you would know, which the state government supports—which is actually fairly uncommon in the world in that it looks at the three parts of what you call the adoption triangle. That is really unusual. But there are other services as well that are consumer driven or survivor driven. I think the point I would like to make is that people should have the right to choose where they get their support. They should not be funnelled into one because it suits government efficiency.

Records access is also unequal to the different groups, and that is largely because it was put in place at different times and there were different concerns—and the people implementing it.

There is probably a bigger gap emerging in that although the commonwealth inquiry recommended that Find and Connect should be extended to cover adoption, in the discussions afterwards that was changed, largely I think because the survivor groups did not want to be bundled in with those other groups; they wanted their own little show. So they got the national archives site, but when I last looked at it, it does not appear to be being updated at all. It is just kind of sitting there, whereas Find and Connect continues to be funded, and so we are able to fund it on a maintenance level—it is not great. But we are able to take on board changes of contact details, all of that kind of stuff, changes of records, access—we can do that, and we do. We kind of do it for adoption, but because we are not funded to do it for adoption it is kind of done indirectly. You will see a link, and it says, ‘Adoptions’. And if you go to ‘Adoptions’, it will take you to the best we can offer, but in the end it does link back to the national archives site, which, as I said, is inactive. The state government of course does not control either of these, but it does have responsibility for freedom of information, privacy and adoption legislation, all of which affect records access.

The big emerging issue in this area is the right to annotate records. There is a big debate in all these groups about who owns your record; is it yours or is it the government’s? At the extreme of that, there are groups that say, ‘We should be able to take it away and let nobody see it’. But in the middle ground there is, ‘We should be able to write into it that this is not how I remember it’, so that someone seeing it in years to come will be able to see the alternative views. It sends archivists into, kind of, tremors that this will happen, but it is happening, and it is a really interesting development.

Finally, I just want to make the point about contemporary adoption. As I said, there is a lovely tendency to have an inquiry and say, ‘Oh, we’ve solved that’, but children are still being adopted. The pressures that corrupted adoption in the past are still present in the system, and in the end it still relies on a social worker guessing which of the two competing groups of parents is going to be good in the long run. They have failed on that for all the time we have had adoption, so the reason to suspect that they can do it now is doubtful. Thank you.

**The CHAIR:** Thank you so much for your submission. If I can, just to continue on with your last point with the current system, you made reference to that there continue to be issues that stem back to the past. Did you want to, I suppose, just expand on that?

**Prof. SWAIN:** I guess it is the issue of how the system becomes corrupted—that is, that once you make available a group of children for adoption, by whatever means, you create a market, and the other side of that market are people who are anxious to adopt for a whole lot of reasons but primarily childlessness but also a kind of benevolence that they think they can do a good deal. Once you have got that kind of sitting there, the pressure from that group starts to move back into the judgement of those who are making the children available for adoption, and what you see is ever-expanding eligibility. So we saw that in the 1950s and 60s and 70s, which is the primary group you will be seeing—that is, where it was the first time that we kind of felt suddenly we have got this growing number of ex-nuptial children and how can we solve it? ‘Oh, we’ve got these childless parents’. But then as that expanded you saw pressure from particularly the gynaecologists and obstetricians, who were at that stage starting to treat what they called sterility; we would call it infertility. There were some treatments that worked, but not all of them worked, so kind of the end line in their treatment was adoption. They then pressured back onto the social workers, or almoners as they were called at the time, to push more and more children—to declare more and more mothers potentially unfit so that they could meet the needs of their patients, because they wanted to give them a baby. So it is those kinds of pressures, and you will have heard stories that are more extreme versions of that—

**Ms COUZENS:** Yes, we have.

**The CHAIR:** They are horrific.

**Prof. SWAIN:** in private hospitals and all kinds of places. And all I would say about those stories is the longer I research this, the more I believe them. They called it a black market at the time, but that pressure, those competing pressures, going on all the time made actions which were even outside the law possible, but inside the law they reduced the options available to mothers. It is that pressure that corrupts. And so if we can find another way of actually keeping children safe without making them a market object, we can avoid that pressure.

**The CHAIR:** Yes. Thank you.

**Ms COUZENS:** Thanks so much for coming along today and sharing your research and experience. It is fantastic, so we really do appreciate it. Just a couple of things on what you have just said: you talked about the

‘not how I remember it’ sort of issue. Do you think there needs to be some system in place where—and I think that is what you are saying—records can be changed or at least amended to allow women to say, ‘This is what actually happened, from my perspective’? Do you see that as being an important role of this Committee?

**Prof. SWAIN:** I think it is a really important role. It is already happening. As you know, there were a multiplicity of agencies that were able to do adoption in Victoria, and they are at different points along the road about opening their records. And the ones that are the furthest advance—somewhere like Berry Street, for instance—are really into this and facilitating that annotation. It will never satisfy the extreme, but it certainly opens that big space in the middle for people who read those records and simply do not recognise themselves or their own experience in it. And so if they can go in and talk about that and not only talk about it in their support groups and in the present and everywhere else but actually get it on the record where it will stay when all of those other things have passed away, it is a vital thing to do for people. We are allowing people to change records in a whole lot of other ways now too, and this is just another step. It is a way of getting in there and saying, ‘This is the story’. It might be a story about multiple truths—who knows—but this is the story.

And it is not only the mothers who wish to get the story recorded. There are also a lot of former midwives and other medical officials who are rethinking what they did in those times. It was a very hard thing for those nurses to separate mothers from their children, and they did it by becoming hard. And now in their old age, particularly, I am always having people coming up and wanting to tell me their sad stories—but anyway. They too want to kind of correct the record. It is a big way forward, both in a report but also as a statutory measure to say, ‘These records are open for annotation, and what you say will go in there alongside what the official record says’.

**Ms COUZENS:** In your presentation just now, I got the impression you were talking about ruling out adoption completely. Is that what you are suggesting?

**Prof. SWAIN:** I know Nahum Mushin goes to ruling it out completely. I am not sure that I go to completely, because there are children who want to be adopted, but they are not six months old. I think if there was a mechanism by which permanent care could be used to allow the child involved to opt for an adoption when they are able to make that decision in an informed way—

**Ms COUZENS:** So, delaying that decision?

**Prof. SWAIN:** Yes, delaying it. You know, adoptive parents want security, and nobody is disputing receiving that. If you can provide security without erasing identity but have the provision at the end for someone to say, ‘Look, these are the parents I had. These are the parents who brought me up. These are the parents who love me. I want to belong to their family’. I think we should have that much later in the process, because doing it earlier simply sets people up for—firstly, they are not being watched over. I think one of the costs of adoption to adoptive parents was that in the ‘happily ever after’ narrative it was meant to be happily ever after, so if you started to have trouble with the child, there was nobody there to go to. If you go back to the agency, you are declaring yourself a failure. So if we could have a system where we say, ‘Look, actually, adopting a child is not happily ever after; it’s tricky. These services are available for you all through that adoption, guilt free. You can go and get them—or permanent care’. And that would be the end of it. ‘If you and the child actually want to make the child a legal part of your family, you can do it then, but do not do it earlier’.

And that also would stop the early pressure on the parents who are then pressed to get rid of these children or to place these children. That ticking clock that is involved at the moment is a really harsh measure—that you have got this amount of time to prove you are a good parent or you are out the door. So it would remove that pressure as well. It will not deal with the other group of children who are being adopted in Victoria at the moment, which is a tiny group and probably even tinier now that the international students have gone, but you will notice CatholicCare are the ones who are mainly doing adoptions now, and they will tell you that it is the children of international students who are really back in a kind of 1950s morality, who cannot go home with this baby. But the problem for those children when they grow up—they are mixed descent. You know, we are just building another problem there by acceding to these requests—‘It’s okay. Go ahead’.

**Ms COUZENS:** And you mentioned the importance of the choice of counselling. Can you expand a little bit on that?

**Prof. SWAIN:** Yes. Look, it is always tricky. You have got survivor groups who say that, ‘We’ve got lived experience and we can counsel everybody’, but of course everyone’s lived experience is not the same, and

those survivor groups over time have splintered around various points of issue. They can come together, and when the statues were unveiled they were all there; it was amazing. I could not believe it. I had never seen them in such happy mode. But, you know, it will splinter again. It is a fight over resources and all the rest of it. That is why I think government steps away from funding them too greatly directly, because they are just not sure where it is going to go, but, look, they have survived for a very long time now and they are extremely meaningful for the women who identify with them and in the case of the adoptee ones, for the women and men who identify with them.

VANISH is, as I said, a step aside from that because it has consciously, from its beginning, tried to involve all three groups, and while that has not always been happy and it creates enemies who do not want to be in the same room as their enemy kind of thing—but as a whole it has given it a kind of stability which some of the other groups struggle to get.

Relationships Australia is a very professional counselling outfit, and for people who like using professional counselling outfits it suits their purpose. It does not make you kind of have to identify as a damaged person and all the rest of it. It does not make you have to go through the whole survivor-victim narrative, but it does have a kind of very middle-class entree to it. When we were doing the Find and Connect establishment—it also has a contract for Find and Connect everywhere now, but at the start only in some places, and when you walked into their premises as against a kind of survivor-driven premises it was like going into two different worlds. And that is the reality. Now, adoption covers a wide class range because a lot of adopted children are obviously adopted up the social scale, so there is probably a larger group of former adoptees who can find Relationships Australia acceptable, but it does have problems for those who do not share that. They try really hard, and I am not going to say their service is not worthwhile, but it is just not for everyone.

**Ms COUZENS:** If Find and Connect was funded, do you think they would be able to provide further support in the adoptions area?

**Prof. SWAIN:** Well, the part that we operate, which is the web resource, we could certainly strengthen what the entries—so instead of having them off to one side, go around the corner and you will find them here. We could certainly, yes, strengthen those considerably and make them part of the mainstream, because it has been a remarkably successful web resource. It is still getting tens of thousands of hits every month and is still responsive. It was built on the basis of input from the people whose lives had been impacted by these experiences and the organisations that had assisted them, so it was built on that basis and it continues to do that. It continues to have people come in and say, ‘You know, you’ve got this wrong’ or ‘You’ve got that wrong’, or whatever, and we have the facility to do that. But, yes, at the moment it is, like, three people. It has just had a major shift in the University of Melbourne, so it is probably more secure in where it is held on the server now, but it is just there. But we have just been funded for five years, so we should not complain.

**Ms COUZENS:** Thank you.

**The CHAIR:** Thank you. Did you want to question?

**Mr TAK:** Thank you, Chair. Thank you, Professor. I am very interested in your important work in terms of with the international—as you said earlier on. Where I am coming from is, before coming to this place I worked as an immigration lawyer, engaged with, a lot of the time, people asking about whether they could adopt from overseas and all of that. That is why I am very interested in what you just said. Also, we have heard too many times about refugees, boat people, with no identity, no documentation and all that. Imagine if you escaped from recent and current incidents happening in Burma, where you tried to escape to safety and the next day you find yourself in another country in a refugee camp, maybe by yourself, maybe below the age of 10, and then many years after that you go into a third country. Hopefully, presumably, you come to Australia, and then when you grow up you want to find your roots. That is really where I am coming from. Do you think that adoption—because it is ingrained in our immigration law, that Australians can adopt from overseas?

**Prof. SWAIN:** It is a very dirty business—that is the best way to describe it—with a respectable little thin layer on top. We know that whenever a country falls into difficulties the international adoption advocates will be in there. They are often the first aid groups in there scooping up children if they can. The other thing we know is that as soon as a country gets its act together it cancels all its agreements, so we know it is not acceptable in the home country. What happens when the children come here is they are protected by our access law, but in reality we cannot guarantee it, because with an in-country adoption we can say you have got a right

to all of your records, but with an out-of-country adoption there are no records—you have only got the records that come when they hit Australia immigration, and they are mixed and varied, so exercising those rights is really complicated.

The one bright light in this is that first-generation adoptees are now extremely active in this space. They are really good at getting their issues onto the agenda, although it often gets kicked out at the next point, but they will turn up at places and say, 'Listen to us'. Lynelle Long in Sydney is producing fantastic material. She is part of an international group, but she is producing fantastic material which takes us into the heart of what it is to be an intercountry adoptee, what it means and how it impacts you right through your life.

Now, while we are party to that, we have to actually fight to extend the rights of that. We cannot just succumb to the powerful groups that are pushing intercountry adoption, who say, 'All right, we've got them. We're rescuing them'—Deborra-Lee Furness and her millions of orphans. You know, there are not millions of orphans; they are children who have families, and we could facilitate them finding their families again, or we can deny their families and drag them into our families and pretend that everything is going to be lovely because you are living happily ever after. It is not lovely.

**Mr TAK:** I know it is going to be outside the scope of this inquiry, but when I was in high school I still remember—because there are so many refugee and migrants in my electorate in Dandenong, and that is why it is only now I understand more and more after we have had this inquiry why many of my friends just do not want to come when we celebrate in the family home and why when I invite them to come they say, 'No, I'm not going'. But now I kind of understand more, and I think maybe we should understand more why there are so many kids who go out in a group rather than stay at home with their families enjoying family time. Maybe that is where they find themselves; that is where they feel comfortable?

**Prof. SWAIN:** With like.

**Mr TAK:** Yes, with like.

**Prof. SWAIN:** It is not seeing yourself reflected, and a lot of the early ones went, of course, to small country towns. They tell their stories about being the only non-Anglo face there, and nobody talking about it because you could not talk about it, because everyone was living happily ever after.

The other development that will blow this apart, just like it is blowing all the attempts to control contact and tracing, is DNA—the DNA analysis. We have all of these things that you have to be counselled, but you can go and get your thing from Ancestry and you can be ringing up your mum next week, and as that spreads into the countries that we are getting these children from, that will change the field too. It creates problems, undoubtedly, particularly with late-discovery adoptions—you have probably heard from some of those—which are the most devastated amongst adopted people, when they have grown up thinking this was their family and they loved them and then discovered in their 40s or 50s that they are not related to them at all and nobody told them. So it is having that impact there.

But with intercountry, as DNA analysis spreads into those countries—as I said, places like South Korea are quite affluent enough to have lots of people paying money and tracking it there, so it will happen. Actually in Flanders, when they had their inquiry into forced adoptions, one of their reparations was to set up a DNA bank and facilitate it, which I thought—it is a very recent inquiry, just in the last couple of years—'That's coming on board'. So saying 'Okay' rather than saying 'Go away' or 'Ancestry's bank' or whatever, that is going to facilitate it.

In extreme situations like Argentina, where of course adoption is linked up with the disappeared, they are actually compelling people to be DNA tested, and if it shows up that they were part of the disappeared and are not part of their adoptive families, they also compel them to change their names, which I think is probably going a bit too far—but they compel them to go back to their original identity. So, yes, it is there. It is just hovering on the edge of us, but in other countries it is much more central. And it will just get even bigger. Everyone is doing it. I have not done it yet; I am not game enough.

**Mr TAK:** Thank you.

**The CHAIR:** You talk about redress schemes in your submission. Do you just want to basically elaborate a little bit more on what a redress scheme would look like for historical forced adoptions?

**Prof. SWAIN:** Well, we have done the first two. We have done apology and we have done memorialisation, and I do not want to discount the importance of those. I know some people will have come to you and said, 'It was a good idea, but it was hopeless'. Actually at the time it was very meaningful for people. I was at many of the functions associated with these, and it was a deep and profound thing for them. But of course over time, because it does not solve all the problems, people go back on it. That is step one and step two.

Step three and step four are harder—there might be five. Anyway, there is records access. We have got to harmonise it so that everybody is getting the same records access rather than, 'Oh, they're getting more than me' or 'They're getting less than me'. That just creates conflict we do not need. And that is easy, actually, for government to do. There are enough models offered everywhere now to know. We had a lot of discussion with the privacy commission, for instance, whose general feeling was that people were using privacy where it was not actually necessary—that it was an overreaction, an overprotective reaction. So sometimes it does not require legislative change; it just requires practice change. So that is records. We have got models that work. Look across all the groups and make them work for everybody so that people are not getting different ones.

On support services, I think my big point is that they have to be varied so that people have a choice, but they also have to be ongoing. We cannot look to a time when they will not be needed. They will be needed as long as there is anybody impacted by adoptions still walking the face of this earth, and we should not be kind of looking at people—you know, a bit like we are looking at the Queen: 'She is going to die soon and we can change the rule'. We should not be looking at people and saying, 'Are you going to pop off?', and then we can cut the money. We should be actually saying, 'This is something we recognise'.

But the big one is financial, and it is always contested. Even where it is introduced, what you tend to get in countries that have done it is a flip-over from the kind of 'We'll believe you' attitude of the inquiry to the legal basis of test. Then money has to go. And it is politically difficult, you know. I do not need to tell you that it is politically difficult to pay money to people. You get a whole lot of what-about-me's coming in. But that is the big issue that happens with financial redress. Now, we are just working through it with the sexual abuse one, and it is not easy—not working well. But it is worth learning lessons from that to see what they did and what worked and what did not work. One of the big things they are having is people are not even going to it, because the process is so complex and destructive. So a way of accessing that does not involve that would be a good idea, but I do not have the answers for that. I can really just point out the problems—that the minute you get there it is that tendency to slip over to legalities, the legal basis of truth, that creates the problems and creates the barriers. So a place like Sweden, which in relation to its out-of-home-care inquiry was very generous and open, when it went to legalities less than half of the cases that are going through are being recognised. And that is of course another life destruction vehicle.

**The CHAIR:** Thank you.

**Ms COUZENS:** Could I ask just one more question. So you have touched on a whole range of things, which is fantastic. Thank you. I suppose I would be keen to hear whether there are any specific recommendations from this inquiry that you think the Committee should be considering to go to government. You have touched on a whole range of things which will probably form some sort of recommendation, but I am interested to know if there is anything else that you think really needs to be a recommendation from this inquiry.

**Prof. SWAIN:** Additionally. my big one is about the contemporary, which is the hardest one, because you are going to come up against forces that are going to be arguing the other way. But the contemporary one that history is not irrelevant, that what happened then will happen again and again and again and again, if we try and use this blunt instrument to solve complex social problems, because it is a blunt instrument and the problems that it seeks to address are complex. We are no longer doing a kind of blanket to all women who are pregnant outside marriage, which was what we tried to do. But we are doing it to a substantial number of young women who have grown up in out-of-home care, who tell horrifying stories of the social worker kind of outside the door of the maternity ward with those papers in hand. You know, it is still there. It has just shrunk.

And the popular history of adoption, which is different from the history you are hearing—it is the history that people got who grew up in the 1950s, 60s and 70s when this was going on, when everybody knew people who had adopted. Everyone thought it was happy. They read the women's magazines that told them it was glorious. That popular history, it stays. It sits around there in the public mind, and it can come in and become part of the pressure to reintroduce it. And it is really important to keep saying no, no, no, no, no, there has got to be another way, and it has got to be focused not on the needs of adoptive parents' infertility, a very sad thing and a tragic

thing, but this is not the solution. Children are not there to serve parents' needs; parents are there to serve children's needs.

**Ms COUZENS:** And we have heard a lot about—I suppose for want of better words—the generational trauma that has come from these forced adoptions. Have you got a view or have you looked at that at all in your research?

**Prof. SWAIN:** I have only seen it through my contacts with the various members who have had the lived experience, and it is the same thing that you see with stolen generations and out-of-home care. It is the we learn to parent by being parented and if there is a break in that parenting link, for whatever reason, even if the adoptive parents were 100 per cent splendid, there is still something going on there that does not fit that ideal model of being loved and cared for and being able to love and care for. So you get the questions—well, it starts with adopted adults but it goes on to their grandchildren. When the woman goes to have her first pregnancy consultation, the first question she is asked, 'What was your mother's pregnancy like?'. 'Don't know'. 'What things are in your family history?'. 'Don't know'. And you become this kind of aberrant person that is floating around in space without an identity or with an assumed identity that does not relate to your genetic identity.

And I have got to say we are so big on genetics now, which they were not in the 60s and 70s because they did not have the means of tracking it. But now we really think we are our DNA. I do '*Who Do You Think You Are?*' programs occasionally. You would have seen at the end of that, if you have ever seen them, they always stare at the camera and say, 'Well, I now know that I am a great fighter because my great-great-great-great-grandfather was a great fighter'. It is really ridiculous. But that is this notion that if you know your genes and you know your inheritance, you know who you are, and that is really compelling in the world today, which makes everybody affected by forced adoption out on a limb. Even if they do not think they are damaged, they are still out on a limb.

**Ms COUZENS:** Yes, and we have very clearly heard that during this inquiry too.

**Prof. SWAIN:** Yes. It is not a pretty story.

**Ms COUZENS:** No. We have heard that.

**Prof. SWAIN:** And there are people that find that decision difficult. Certainly whenever I have public exposure on this issue, I will get telephone calls from people saying, 'I had a child before I was married. I signed those papers. I never saw it again, and I believe that was the right thing I did'. And it was; for that person it was the right thing they did. And I do not think we should talk about adoption in a way that makes them now start thinking that there was something wrong with them.

**Ms COUZENS:** Yes, that is true.

**Prof. SWAIN:** And similarly someone who says, 'Look, I'm adopted. I think I'm fine'. It is not our job to say, 'Well, you're not really. There's something inking away there that is going to eat you'. If people are identified as being a bit rootless from this, that is when we need to have the supports in there that stop the damage from going down and down and down the generations, because there are generations where you have had adoptions in three or four generations in the one family. And this is so damaging.

**Ms COUZENS:** And we are hearing, from those women that are damaged by it, what happened to them and their experience.

**Prof. SWAIN:** Exactly. We cannot repair that damage, but we can put in the supports underneath and the recognition. I guess, going back to the notion of the apology being important, what the apology did was enable people to stand up and say, 'That was me, and somebody really important has just said that what happened to me was wrong'. And they have never been able to say that before. Well, they have been able to say it in their support groups, but that is a bit different from being able to in public. So it is that sense of it being fully recognised that your rights were not taken into account and that what happened to you was wrong. And that moment for people is extremely powerful, even if over the years when the big hopes kind of diminish when they do not get as much money as someone else or whatever. Even if that happens, it is still sits there. And I think that is why the memorials are quite powerful too. People can still go to that memorial and say, 'That's me', or they can take their children to that memorial and say, 'This is what happened to me'. So that is important, but it is not enough.



**Ms COUZENS:** And I think we have heard that, but I think women are now saying a lot of years have passed since the hearings and since the apologies—

**Prof. SWAIN:** Exactly, and not enough has happened.

**Ms COUZENS:** and nothing has really happened since then. And that is their concern.

**Prof. SWAIN:** Exactly, and it is absolutely justified. Right from the moment of the apology, which was unfortunately timed in that Julia was doing it and then there was plotting going on in the back room, it kind of got erased much more quickly than the others. And then the reparation package is substantially smaller than the earlier ones. They just keep shrinking. So there is good reason to feel really cheated in that regard, because it was just diminishing returns. And who knows what the people with the disability inquiry are going to get—probably a packet of sweets for the road or something. You can just see it, diminishing returns. And that is what sets off the fights between different groups. Of course people are members of multiple groups. There are people who are Forgotten Australians who also lost children who were adopted or were adopted themselves and then ended up being in care. So you can have a good row about that if you wanted to, or just the multiple layers of disadvantage.

**Mr TAK:** Professor, maybe just one last question from me: what is your view on lifting the statute of limitations?

**Prof. SWAIN:** That is basic—everyone will have told you this. The royal commission on sexual abuse has done the hard work on this. We know from that, and it has been recognised from that, that people are not necessarily in a position to take legal action within that time, that the damage comes around later or it comes back in another form later. And who are we protecting with the statute of limitations? Not the people who have been impacted. We are protecting the people who did the deeds, knowingly or unknowingly, the people who did it. And when you get to—and I am sure you are hearing some of the cases of outright illegality. I mean, there is a lot about illegality, about whether 15-year-olds could sign and all of that stuff, but there was also outright illegality of babies exchanged under streetlights in the backstreet behind the hospital—all of that. When you get to those, I mean, these are criminal offences. And the evidence would be there, but we are protecting the people who did it by having this. And that baby was not in a position to protest.

**The CHAIR:** Thank you so much, Committee members. Thank you very much for presenting. And, yes, it has been an in-depth submission. Thank you so much. The next steps will be that the Committee has a number of further public hearings, and then after that we will be deliberating on all the evidence and preparing a report we are hoping to table before 1 July this year. We will keep you up to date through our secretariat on the progress of that, but at any time feel free to reach out to any one of us or our secretariat if you need further information. Thank you for taking the time to be here and present to us.

**Prof. SWAIN:** That is good. It was a privilege. Thank you.

**The CHAIR:** All the very best.

**Witness withdrew.**