



Australian Government
Department of Immigration and Border Protection

DEPUTY SECRETARY

15 August 2014

Ms Sophie Dunstone
Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Dunstone

Inquiry into the Australian Citizenship Amendment (Intercountry Adoption) Bill 2014

The Department of Immigration and Border Protection appeared at the Senate Legal and Constitutional Affairs Committee's inquiry into the Australian Citizenship Amendment (Intercountry Adoption) Bill 2014 on 28 July 2014. The Committee asked the department one question on notice relating to the terminology of the bill.

Please find attached the department's response to this question.

Yours sincerely

Dr Wendy Southern PSM
Deputy Secretary
Policy and Programme Management Group

people our business

QUESTION TAKEN ON NOTICE

**LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE:
28 July 2014**

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

Senator Reynolds asked:

Thank you, that would be good. That was clearly at the heart of the concerns of some of our witnesses this morning. They saw the increased risk in non-Hague countries in relation to these areas.

One of the issues that they raised as well, in written submissions and again here this morning, related to terminology in the bill in relation to the rights of the child being 'primary' versus 'paramount'. I am just wondering whether either of you have any feedback or comments on that.

Answer:

In relation to non-Hague countries, we refer the response by the Attorney-General's Department's (AGD) to Question on Notice 2A: "AGD requires that all Australia's intercountry adoption partner countries comply with the standards and principles of the Hague Convention, regardless of whether the country is a party to the Hague Convention".

The bill will allow adoptive parents the option to make an application for Australian citizenship at the conclusion of the adoption process overseas. As the citizenship process is simpler and quicker than an application for a subclass 102 Adoption visa, as well as less expensive, it is the government's position that this Bill is in the child's best interests and consistent with Article 21 of the *Convention on the Rights of the Child*.

In relation to terminology, the Australian Citizenship Amendment (Intercountry Adoption) Bill 2014 does not contain the words 'primary' or 'paramount' in connection to the rights of the child.