

19 August 2005

Dear Secretary

I understand the inquiry regarding the adoption of children from overseas is currently in motion, with hearings occurring or having occurred around the country. From this fact I understand that the opportunity to make submissions to the inquiry may have ended.

As a father of three overseas adopted children, I intended to make a submission, even commenced one, but our family was caught up in a process of moving interstate in conjunction with a job transfer from Brisbane to Perth and I missed the boat.

I have read with interest the transcripts of others' submissions and the public hearings. At the Brisbane hearings, our family was actually mentioned to proceedings several times as an (anonymous) example of things that have occurred. It has struck me that my family's experience may be able to provide a perspective to the committee that they may regard as being of interest, namely:

- 1) We were in our mid-20s when we first applied for adoption in 1998, domiciled in Queensland
- 2) We adopted out of choice, not due to infertility (with no biological children)
- 3) We were refused eligibility to adopt in Queensland on the basis of my weight, despite no other indications of poor health (and my age)
- 4) We tried several avenues of complaint, including a letter to the authorities in Ethiopia (our chosen country) who replied saying they had no issues regarding an applicant's weight
- 5) We enlisted the assistance of our local State MP (a government backbencher) who, after looking into our situation advised us to move away from Queensland.
- 6) We were moved to the ACT in 1999; although weight was an issue of assessment, it was considered in the context of a wide range of issues, not just the BMI
- 7) We adopted 2 little girls from Ethiopia in 2001; we had significant difficulties having them approved to enter Australia due to health anomalies, even though a health waiver is available to DIMMIA as a matter of discretion. We ended up having to go to Ethiopia prior to the granting of a visa (with the ACT Dept's approval) to assist our daughters' health situation, with no guarantee of them being able to come to Australia.
- 8) With extra care, hope, nutrition, and a letter from a medical expert we knew in Canberra they were finally approved to enter Australia.
- 9) Whilst in Ethiopia we discovered the existence of 2 teenaged biological brothers of our girls, also orphans. While we felt that while adopting them would not have been in their best interests, we have set up a strong support system for them via an NGO in Ethiopia and maintain strong contact with them. Had we wanted to adopt them at some stage we would have faced considerable opposition from within Australia, which has deep-seated opposition to adoption of older children.
- 10) It has been brought to our attention that with others in the same situation, there have been attempts to arrange for the migration of these older siblings via family reunion Immigration provisions but these are consistently refused on the basis of the relative (the adoptive child) being either no longer regarded as related to the siblings in Ethiopia, or not over 18 years old and therefore ineligible to apply under this category. This is against the principles of the Hague Convention, which states that biological families should be kept together wherever possible.
- 11) We were denied maternity payment for either of our children, despite our youngest being 5 months at the time of allocation. At 11 months when we returned to Australia with her she was not eligible. It cost thousands to set up rooms, clothing, toys, equipment etc for the two of them. We have claimed baby bonus through the ATO for our youngest for the past 4 years.
- 12) Despite the health-related concerns of DIMMIA prior to visa-approval, only one of our children has ever been in hospital, a 2-day stay early in the process for pneumonia. In

the context of things, their cost to the Australian taxpayers has been negligible, given Australia's (we believe) unreasonable reticence to allow them into the country.

- 13) 2 years after returning with our daughters, we applied again to adopt, through the ACT. Our file was prepared and sent to Ethiopia, and I successfully applied for a new position in Qld. We moved to Brisbane, and with our file already in Ethiopia, we were simply transferred to the Qld administration without having to re-establish eligibility. We would not have been able to continue with the process if we had been forced to re-establish eligibility, as I am still overweight.
- 14) We were allocated our son in March 2004 and returned home with him in July 2004.
- 15) We were informed by the Queensland department that the process for issuing an adoption order was strictly 12 months and until that time he would remain a ward of the state. They also informed us that in order to receive the adoption order in our favour we had to re-establish eligibility, including a new medical if our last medical was more than 12 months out of date. As I am still well over the BMI this is likely to have meant that our eligibility could not be established. We are aware that others in Qld have been refused final adoption ordered until they have lost weight. This would have placed our son's legal status under considerable doubt. This was a period of excruciating personal anguish for me.
- 16) In the meantime I successfully received a transfer to Perth, and the Queensland Dept expedited the final order to facilitate our leaving.
- 17) We wish to adopt again in a few years' time but once again will face a whole raft of issues such as weight, family size, age of children etc when that time comes. It is important from our perspective to see the end of the inconsistencies from state to state and the abolition of small-minded and myth-based exclusion criteria.

If you consider that my outline above is of sufficient interest or presents a perspective previously not considered by the committee then I would gladly prepare a more detailed written submission or appear in person before the committee at any stage should you require it.

Please let me know – via email is fine.

Thanks

Lincoln Hayes

