

**Dear Committee Secretary**

AACASA Inc. (Australian African Children's Aid and Support Association Inc.) is a national parent support group that helps applicants along their journey to adopt children from Africa (currently predominantly Ethiopia), and supports families that have been formed through adoption from Africa. Nationally we have 390 family members.

AACASA Inc welcomes the fact that a committee has been established to consider how the Australian Government can better assist Australians who are adopting children from overseas. Adoption is about the needs of children, and plays a hugely important role in society around the world. Inter-county adoption is particularly important. It provides children who otherwise have virtually nothing, the chance to grow up in a safe, loving home with opportunities to reach their potential. Simultaneously, it enables many Australians to fulfil their dreams of creating or enlarging their families.

The costs to adopt from Ethiopia comprise

- costs charged by State Governments, to process adoption applications and provide adoption services: \$2,052 - \$9,700
- finger print testing: up to \$185 per person
- adoption processing fee (paid to Ethiopia): \$750 US
- Power of Attorney Fee (paid to Ethiopia): \$2,000 US
- the cost of medical care of the child post allocation but prior to joining the family
- foster care for the period between allocation and travel (usually 3 – 4 months, while HIV tests are undertaken, passports issued and immigration clearance is granted): \$840 – \$1,120.
- fees paid to the Department of Foreign Affairs and Trade: \$80
- immigration fees: \$1,245
- Ethiopian Consulate fee: \$250
- airfares, visas, travel insurance and accommodation: \$8,000 - \$10,000 (assuming 2 adults flying to Ethiopia, 2 adults and 1 child flying home, 10 night stay in Ethiopia at average hotel)
- 6 -12 months income forgone, depending on the State.
- court costs of finalising adoption.

AACASA submits the following recommendations to the Committee.

**AACASA Inc calls on the Australian Government to:**

1. Seriously consider ways to reduce discrimination against adoptive families and better financially support couples seeking to adopt children, through
  - a) abolition of immigration fees for children allocated for adoption by Australians.
  - b) introduction of paid and unpaid adoption leave equivalent to maternity leave, but irrespective of the age of the child when he or she joins the family.
  - c) removal of the age limit for eligibility for the Maternity Payment, so that adoptive parents are eligible for assistance irrespective of the age of the child when he/she joins the family.
  - d) modification of the Immunisation Allowance, so adoptive parents are eligible for the allowance if their adopted children are fully immunised within 18 months of arrival in Australia.
  - e) tax credits, as are available in the United States, Canada and Quebec.
2. Establish an Adoption Ministerial Advisory Committee, with broad representation from adoption support groups, to facilitate consultation with adoptive families.
3. Increase the number of countries from which Australians can adopt.

**AACASA Inc calls on the State Governments to:**

1. abolish fees for assessment, processing and follow-up support of adoptive parents.
2. standardise eligibility criteria and procedures for assessing eligibility to adopt, using recognised best practice policies and procedures for adoption.

**WHY IS INTER-COUNTRY ADOPTION IMPORTANT?**

There are three key issues that point to the importance of inter-country adoption for Australia.

**1. Australia needs population growth**

Population growth is considered vital for a strong economy into the future, especially as Australia copes with an ageing population. The number of Australians aged 65 and over is expected to double in the next 20 to 30 years, while our fertility rate is below the replacement level of 2.1 births per woman. With fewer people of working age there will be greater shortage of labour, higher welfare and health costs, and lower economic growth. The likely result is a lower standard of living for Australians. This is why the Treasurer Peter Costello has told us to "have one for your husband, one for your wife and one for Australia".

Competing with the need to boost Australia's population are the environmental challenges the world faces as world population rises. Can and should Australia ignore what is going on around the planet, and push ahead to boost our own fertility? The United Nations Population Fund claims that "population growth is contributing, along with high resource consumption by affluent populations, to increasing stress on the global environment." (*State of World Population 2004, Introduction: Long Way to Go*, United Nations Population Fund, 2004). The Population Fund also states that "environmental stress is increasing, due to both unsustainable consumption and production patterns

(including high resource consumption in wealthy countries and among better-off groups in all countries) and demographic factors such as rapid population growth, population distribution and migration (*State of World Population 2004, Population and the Environment*, United Nations Population Fund, 2004).

## **2. The lack of children available for local adoption**

Some Australian couples choose inter-country adoption because they have no other choice. They may have tried IVF and been unsuccessful. Children are rarely available for local adoptions and so inter-country adoption is the only option.

Other Australians decide to adopt a child from overseas because they feel strongly, for various reasons, that this is the right thing for them to do. These parents may or may not have biological children and they may or may not be infertile.

Whatever the reason, those that decide inter-country adoption is for them are highly committed to this method of creating or expanding their family. The desire for their adopted child is as strong, possibly stronger, than the desire for a biological child.

## **3. Over 100 million orphaned children**

The number of orphaned children in the world, predominantly Asia and Africa, is staggering, and growing. There are also many children who are not orphans, but are unable to be cared for by their living parents. Each of these 100,000,000 + children has a sad and tragic story to tell. Each has the potential to be successful, to make a difference, to live a productive and happy life – if they are given a chance. There are thousands of Australian couples wanting to give some of them a chance, wanting to give some of them a fair go. Yet their efforts are blocked every step of the way, through bureaucratic red tape, lengthy waiting times and exorbitant costs.

### **A Solution?**

Facilitating inter-country adoption is an obvious solution to these three problems. Inter-country adoption is a win-win-win – and there are no losers. If Australia needs to boost its population and be mindful of world population pressures, then surely inter-country adoption is the answer. Yet, instead, the Australian government chooses to spend millions of dollars supporting IVF - with its relatively poor success rate - and provides no support or encouragement of inter-country adoption. Quite the contrary, state and federal governments charge high fees and discriminate against adoptive parents and their children.

### **Inter-country adoption also benefits the Australian community**

AACASA believes inter-country adoption is also an extremely effective way of promoting racial harmony and tolerance. To its credit, the Australian Government recognises the need to promote harmony, through various programs including National Harmony Day. The Commonwealth recognises that multiculturalism involves treating diversity as a quality to be actively embraced, as a source of social wealth. It encourages groups to be open and to interact so that all Australians may learn and benefit from each other's heritage.

Inter-country adoption is a highly successful way to promote a multicultural Australia, not only by increasing exposure to children from overseas countries, but also by providing a link between refugee

and migrant communities, and the general Australian population. Around Australia, AACASA members have forged close links with local Ethiopian communities, bringing significant benefits to those communities and adoptive families.

Inter-country adoption promotes harmony, tolerance and understanding of other countries and cultures, far more than any advertising campaign. Children adopted by AACASA members live in many varied parts of Australia including some rural and remote areas. These children have opened the eyes of, and impressed so many in their local communities.

## **IN WHAT WAYS ARE ADOPTIVE COUPLES DISCRIMINATED AGAINST?**

AACASA believes that all ways of creating families should be treated equally. We are told by Government that Australia is a multi-cultural, egalitarian society tolerant of difference and supportive of those that are vulnerable. We expect Australia to be a society where everybody, especially children, are given a fair go. Yet Australian families who choose to adopt children are discriminated against, time and time again, by the Family Assistance Office, by Medicare and by State Governments.

Many Australian families desperately want to adopt children from overseas, and have the emotional, mental and financial capacity to love and raise an adopted child. But they do not have adequate funds to pay for the initial costs of adoption, and their dream goes unfulfilled. As a result, the doors of a loving Australian home are shut to an orphan languishing in an impoverished orphanage in a third world country.

Why does the Australian Government support couples and individuals who build families through pregnancy (natural and IVF), yet does the opposite to couples seeking to provide a loving home to an existing child? Medicare pays millions to enable women to undergo fertility treatment (including some women who are not infertile) with relatively low success rates. There is no limit to the number of IVF treatment cycles a woman can have, and some women have over twenty cycles, each costing the Government thousands of dollars. The Government, through Medicare, also highly subsidises antenatal, obstetric and post natal services for families. But Medicare does not even cover health assessments of couples applying to adopt (couples need to pay full fees, worth hundreds of dollars), let alone any of the other expenses like health care of children who have been allocated for adoption but waiting to travel to Australia. Why are adoptive parents not treated the same as other would-be parents?

Why are adoptive parents charged full immigration fees for their children? Why are orphaned children entering Australia not able to enter under Humanitarian visas that attract no fees?

Why is adoption leave not available under many workplace agreements and awards? Why are adoptive parents not eligible for the Maternity Payment? In theory they are, but the fact that children must come into the care of the adoptive parents prior to 26 weeks of age for their parents to be eligible, counts nearly all adoptive parents out.

Why are most adoptive parents not eligible for the Immunization Allowance? This is despite most adoptive parents placing high priority on immunization and getting their children fully immunized through a catch up schedule as soon as possible after their arrival in Australia.

Legally, an adopted child has the same status as he or she would have had if they had been born to their adoptive parents. Biological and adopted children have the same status and the same rights, except in the eyes of the Australian Government.

Why do prospective adoptive parents have to wait, in most states, years for to be assessed and approved for adoption? The length of delays causes some parents to miss out simply because while waiting, they become too old to be deemed appropriate to adopt a child from Ethiopia.

## **WHAT NEEDS TO CHANGE TO BETTER SUPPORT INTER-COUNTRY ADOPTION?**

### **1. Better financial support for adoptive families**

Despite the success and benefits of inter-country adoption, in the 2003-04 financial year there were only 370 inter-country adoptions in Australia. Many would-be adoptive parents walk away from their dream, facing the reality that they cannot afford the high costs. Others take out personal loans, extend their mortgages or work 2-3 jobs to finance their adoptions. Some people are surprised at that because they believe that "only rich people adopt". But the majority of AACASA members appear to be average income earners. Regardless of which, *does Australia want to be a country in which only rich people can adopt? Is that the "Australian Way"?*

Research has shown that being an only adoptee in a family (especially when that child is adopted from overseas) can make it harder for that child to feel part of the family. Adoption is more likely to be successful if there is more than one adopted child in the family. Yet high fees and insufficient financial support makes it very difficult for most families to adopt a second child.

Better financial support can be provided through:

#### **a) Abolition of immigration fees**

The Australian Government currently charges \$1,245 in Visa application fees for children adopted from overseas. Yet the Australian Government highly subsidises birth, through assisted fertility, antenatal, obstetric and postnatal care.

Given the small number of inter-country adoptions in Australia, abolition of immigration fees would not be expensive to Government. But the saving to families would be significant.

More important is the underlying message given to families and their adoptive children, about how welcome the children are in Australia. The outpouring of emotion and aid following the Asian tsunami provides an indication that Australians are compassionate towards children in need and supportive of the Australian Government providing assistance. By waiving immigration fees, Government gives the message that "we support you, we think you are doing a good thing and your child is welcome." We believe that is the "Australian Way."

#### **b) Introduction of paid and unpaid adoption leave financially equivalent to maternity leave, but available for parents irrespective of the age of the adoptive child.**

State Governments have a requirement (usually) or an expectation that that one parent will remain home with an adopted child for an extended period (6 – 12 months depending on the State) post arrival of the child. However, under many awards paid adoption leave is not available or is less generous than paid maternity leave under the same award. Again, adoptive families are discriminated against.

Of even more importance, the *Workplace Relations Act 1996* provides 12 months unpaid adoption leave for families adopting a child, however this leave **only applies if the child is under 5 years** at adoption. Employees can lose their jobs or be demoted for taking time off to travel to collect their older child, and care for their child, despite the fact that in many states, the Government requires them to take this time off work. The Human Rights and Equal Opportunity Commission has recommended that the Commonwealth remove this age restriction and AACASA supports that recommendation. Given the very small number of Australian families adopting older children, and the lack of community understanding about adoption, it is very difficult for individual employees to lobby their employers.

### **c) Removal of the age limit for eligibility for the Maternity Payment**

The Australian Government claims that the Maternity Payment recognises the extra costs incurred at the time of a new birth or adoption of a baby. But it doesn't recognise the extra costs if you adopt a child from overseas (as the vast majority of adoptive parents do). Children adopted from overseas are discriminated against in relation to this payment, because nearly always, they are over 26 weeks of age when they arrive in Australia.

The Maternity Payment is designed to help with the costs of a new baby, and that is why, we are told, it is not provided to couples adopting babies over 26 weeks of age. But why is the design rightly flexible enough to enable mothers of stillborn babies to be eligible, yet not parents of adoptive children?

The Human Rights and Equal Opportunity Commission recommended that there should be **no** age restriction on the Maternity Payment in relation to adopted children. Increasing the age limit is not a solution. It needs to be abolished to ensure that all children are treated equally. Legally, an adopted child has equivalent status to biological children, so why are they treated differently by the Family Assistance Office?

Regardless of the age of the child at placement, adoptive families have high and unique costs. Adoptive parents face far higher costs than biological parents (adopting a child from Ethiopia costs around \$25,000 - \$30,000, depending on which state a couple is from) and reduced income for 6 - 12 months. Adoptive parents have the same costs of setting up their homes for children (cot, car seat, clothing etc) and have the added disadvantage of not being able to breastfeed, and therefore having to purchase formula. (It is recognised that there are adoptive mothers who do attempt to breastfeed to promote the health for their child and bonding, however there are substantial costs - both in finances and time - involved to stimulate and maintain milk production).

Those adopting older children have the additional burden of assisting their child to adjust to a new society, learn a new language and too often deal with the emotional scars left from years of neglect, hunger, insecurity, absence of love and, sometimes, abuse. Often these older adopted children have witnessed the death of their birth mother and father, either through sickness or violence, and require intensive support on arrival in Australia and for significant periods of time after their arrival. Often it is not appropriate for the older adopted child to start schooling soon after arrival in Australia, and it is uniformly recognised by adoption experts that the older the child, the more difficult the transition period is likely to be. For many families, the period of high need extends for longer than twelve months, necessitating a parent to take more than 12 months off work. These families need extra support, not less.

Given the relatively low number of adoptions in Australia, it would not be expensive for the age limit on the Maternity Payment to be abolished, but its abolition would be very important for adoptive families who face high costs and reduced income, and would greatly appreciate their child being welcomed just as a biological child is.

**d) Modification of the Immunisation Allowance, so adoptive parents are eligible for the allowance if their adopted children are fully immunised within 18 months of arrival in Australia.**

To claim the immunisation allowance parents must submit their claim before their child is 2 years of age. However many adopted children arrive in Australia with no immunisation history and by the time they have the required immunisations, many are over the age of 2. So the only adoptive families who receive this benefit are those allocated babies under the age of one, who start the immunisation schedule straight away on arrival in Australia. Why are parents penalised for adopting children rather than giving birth?

**e) Abolition of fees for assessment, processing and follow-up support of adoptive parents.**

State governments charge up to \$9,700 for processing inter-country adoptions, and up to \$3,000 for processing local adoptions. This is another case of discrimination against inter-country adoptive children, and one that is yet to be tested under federal and state anti discrimination laws.

On top of the state government fees, inter-country adoptive parents also have to pay for airfares (airfares to Ethiopia are around \$3,000 per ticket); accommodation; immunisations (not able to be claimed through Medicare); Visas to enter the overseas country; and immigration fees – making inter-country adoption significantly more expensive than local adoption.

As one small part of the complex and lengthy adoption assessment process, many couples must undergo police finger print testing. Criminals or suspected criminals do not pay for finger print testing. Yet law-abiding citizens seeking to provide a loving home for a child in desperate need, pay up to \$185 per person for testing. Of course, there is no way adoptive parents can recoup this cost.

Adoption should be about placing children in families that can provide the best love and care for them, not in families that can best pay government fees.

**f) Tax credits**

The United States of America recognises the value of adoption to the world and local communities, and provides significant assistance to the unsung heroes – adoptive parents.

Federal tax credits of up to \$10,390 US are available to reimburse some of the costs of adopting a child. The adoption credit is an amount subtracted from a family's tax liability. In addition to the federal tax credit of \$10,390, many employers also reimburse non-recurring adoption expenses and in some states up to \$10,390 of these reimbursed costs may be excluded from gross income for further tax breaks. Qualifying expenses include reasonable and necessary adoption fees, court costs, attorney fees, travelling expenses (including amounts spent for meals and lodging while away from home), and other expenses directly related to and for which the principal purpose is the legal adoption of an eligible child.

Adoption provincial income tax credits worth up to \$6,000 are available in Quebec, and in Canada tax credits are available for eligible child adoption expenses, worth a maximum \$1,600. The stated aim of Canada's adoption tax relief is "to give adoptive parents tax relief for *exceptional costs which are unique to adoption*, including adoption agency and legal fees".

The exceptional costs, which are unique to adoption in Canada, United States and Quebec, are also present in Australia.

**2. Establishment of an Adoption Ministerial Advisory Committee, with broad representation from adoption support groups.**

In 2003-2004, there were only 370 overseas adoptions in Australia. Most Australians would not know anyone who has adopted children from overseas. As a result, the general community has little understanding about adoption, and the special needs of adoptive families are often overlooked. Time and time again we see government policies and procedures implemented that discriminate against adoptive families.

AACASA Inc believes that the establishment of a national consultative committee to provide advice to the relevant Minister, will assist in the formulation of appropriate legislation and policy into the future to ensure that adoptive families are supported and encouraged in their efforts to provide loving homes for vulnerable children.

**3. National standardisation of eligibility criteria for adoption, and procedures for assessing eligibility, using recognised best practice policies and procedures.**

Prospective parents must satisfy strict criteria for adoption in their state, as well as the requirements of the child's country of origin. However eligibility criteria vary from state to state, forcing some applicants to relocate to be able to adopt. Variations in eligibility criteria relate to the age of adoptive parents, marital status, length of marriage, number and age of children in the family and applicants' health and weight. AACASA Inc believes that eligibility criteria for adoption should be research based, and based on international best practice – and hence standard throughout Australia.

The process for overseas adoption is incredibly complex. In some states (e.g Tasmania) the process is excellent - reasonable and comprehensive enough to ensure that adoptive parents are appropriately screened and prepared. But in some states (e.g. Queensland), the process is overly complex and lengthy, with the process taking years to complete. Of particular concern is the fact that when adoptive parents move to another state at some stage in the adoption process, it may be necessary for the parents to start the process all over again.

Delays in processing applications cause some applicants to miss their chance to adopt from their chosen country. Ethiopia generally requires there be no more than 40 years difference between the age of the adoptive parents and the adopted child. Yet the majority of adoptive parents are in their late thirties, so cannot afford lengthy delays in their assessments. In New South Wales and Queensland, adoption of a child from overseas takes around 4-6 years.



**4. Increased number of countries from which Australians can adopt.**

AACASA Inc believes that Australia should seriously consider negotiating adoption programs with other countries that are signatories to the Hague Convention (or working towards), e.g. South Africa.

We believe this would help reduce lengthy waiting times as well as provide greater choice for prospective parents. Choice is particularly important in inter-country adoption. Research has shown, and Government Departments emphasise, the importance of maintaining a link with the child's birth country. Obviously to do this well, parents need respect for the culture and a desire to learn about it and share it with their child/ren. AACASA members develop a strong attachment to Ethiopia, just as people adopting from other countries develop attachments with those countries. For the benefit of the children, applicants need to be able to choose a country that feels right to them, and broadening the choice can only be helpful.

We thank you for the opportunity to comment on these matters, and look forward to the day when the level of support provided to adoptive parents is equivalent to the level of support provided to other parents.

Yours sincerely

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