SUBMISSION NO. 33
AUTHORISED: 19-4-05

Hon Bronwyn Bishop, MP
Chairman
Standing Committee on Family and Human Services
Inquiry into Adoption of Children from Overseas

Dear Ms Bishop

Please find below our submission to this Inquiry.

We are Rob and Noline Cornhill from the Australian Capital Territory, proud parents of two children now aged 12 and 13 adopted from Romania in February 2000.

We have been involved in adoption since Noline adopted locally her first daughter in 1977. More recently, as a couple, we have been involved since 1995 when we first applied to adopt more children. In that time we have seen the "system" evolve, at least in the ACT, from being adversarial and negative to a more positive and balanced system, although still with overtones of social workers making "policy" decisions on a whim and with no recourse from adoption applicants. The negativity and adversarial nature of the system appears to continue in many other Australian jurisdictions.

We have addressed the Terms of Reference in a series of attachments to this cover sheet.

- **Background**

  Inconsistencies between states/territories:

  1. The Commonwealth should introduce consistent legislation and regulations across the country

- **Inconsistencies between the benefits and entitlements provided to families with their own birth children and those provided to families who have adopted children from overseas**

  2. Abolish the age restriction on Maternity Payment
  3. Abolish the age restriction on Unpaid Maternity Leave
  4. Legislate for universal paid adoption leave equivalent to negotiated paid maternity leave
  5. Legislate for universal adoption of Flexible Return To Work provisions equivalent to negotiated maternity Flexible Return To Work
  6. Ensure Medicare staff are familiar with requirement for adopted children to be given equal treatment to birth children. If necessary, legislate to ensure adopted children are treated equally to birth children by private health funds

- **How can the Australian Government better assist Australians who are adopting or have adopted children from overseas countries (intercountry placement adoptions)?**

  7. Take a more pro-active role as the "lead agency"
  8. Abolish fees charged by State and Territory governments
  9. Explore new intercountry adoption programs. The Australian Government should:
     - Assert its role as the Australian "Central Authority" under the Hague Convention and take over the role of initiating action to investigate and develop programs with other non-Hague countries;
     - Not agree to a complete ban on new programs with non-Hague countries but treat countries on a case-by-case basis; and
     - Take the lead in working with one of the state/territory governments on establishing an intercountry adoption program with Russia and other non-Hague countries
  10. Abolish Australian Government fees on adoption applications.
  11. Assistance with adoption expenses.
  12. Allowing regulated private agencies to administer the approvals process.
  13. Ensure sufficient consultation when formulating policy.

We believe it is symptomatic of the problems in the intercountry adoption system in Australia if this inquiry receives few submissions from adoption applicants compared to those who already have their children. There is a real atmosphere of fear among applicants that their files will be "lost" or will progress more slowly if they complain or express dissatisfaction in any way.

Yours sincerely

Rob and Noline Cornhill

[redacted] ACT [redacted]

Background:
Our children's homecoming to Australia in February 2000 at ages 8 and 6 was the culmination of 5 years of arguing and fighting with the bureaucrats from the ACT Government who made the adoption process very difficult for us. The process which a family has to go through to be "approved" to adopt a child is intrusive, emotionally draining, expensive and often complicated by the frequently negative attitudes of adoption workers.

As Noline already had an adult birth child and an adult locally adopted child and we had both had years of experience in child rearing and caring for foster children, we thought we would be ideal parents for 1 or 2 adopted children. Apparently certain staff in the Department thought otherwise and ensured our "Home Study" was written as negatively as possible so that it would be rejected by the country we were applying to, Thailand. After enduring the heartbreak of the rejection of our application by Thailand, it was only after legal representations that the Department agreed to re-write our Home Study and send it to another country.

As we were older applicants we decided it was best for us to adopt older children and a sibling group as they are harder to place than younger babies and there are hundreds of thousands of older children living in orphanages throughout the world. While our children are now physically healthy, the damage inflicted on them by 6 and 8 years of neglect and physical, mental, emotional and possibly sexual abuse in an institution has taken its toll and has left them with long-term and probably permanent, severe psychological damage.

The cost to us of adopting these 2 children was around $50,000 by the time they arrived in Australia. A large component of that cost was payments to the ACT and Australian governments. Then we had to afford furniture, books, clothes, school fees, toys, counselling, medical and dental fees etc. After 5 years we have just finished regular counselling sessions for one child but the other child requires long-term counselling at $90 per child per week.

Our children have done remarkably well considering their early life of deprivation. The orphanage had about 150 children aged 4 to12. They lived in 2 rooms, rarely went outside and had no toys or stimulation apart from adult-type American TV shows. They had absolutely no "life experience". There was one carer to 30 children. Many of the children were hyperactive and had other extreme behaviours probably caused by the same Reactive Attachment Disorder that our children suffer from. Their future without education, any idea of how the world works or how to survive would have been bleak once they were ejected from the orphanage at age 16 onto the streets of one of Europe's poorest countries. Many of their peers end their lives very quickly via drugs, crime, prostitution or suicide.

Our children now speak excellent English although they will not have a vocabulary equivalent to their peers for another 5 to 10 years, they indulge in sports of many kinds and despite learning difficulties are not doing too badly at school although they do have socialisation problems. They both still have considerable behaviour problems and are still very difficult to parent. We are often at their schools sorting out problems and find home life very stressful. But at least our children have a future with an education, life skills and a family who will love and support them for the rest of their lives.

It should be noted that adopted children are exactly the same as birth children in the eyes of the law. They are given a new birth certificate in the adoptive parents' names, they have exactly the same rights and responsibilities under law and have equal inheritance rights. We believe that Intercountry adoption should take place within the context of the following:

1. The UN Convention of the Rights of the Child, 1989 which states that *"the child, for the full and harmonious development of his or her personality, should grow up in a family environment in an atmosphere of happiness, love and understanding".* We believe this should be the overriding principle of adoption policy.
2. The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption 29 May 1993 states that:
   - *intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin;* and
   - *intercountry adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children.*
3. UNICEF's position on Inter-country adoption
   a. *The Convention on the Rights of the Child, which guides UNICEF's work, clearly states that every child has the right to know and be cared for by his or her own parents, whenever possible. Recognising this, and the value and importance of families in children's lives, UNICEF believes that families needing support to care for their children should receive it,*

and that alternative means of caring for a child should only be considered when, despite this assistance, a child's family is unavailable, unable or unwilling to care for him or her.

b. *For children who cannot be raised by their own families, an appropriate alternative family environment should be sought in preference to institutional care, which should be used only as a last resort and as a temporary measure. Inter-country adoption is one of a range of care options which may be open to children, and for individual children who cannot be placed in a permanent family setting in their countries of origin, it may indeed be the best solution. In each case, the best interests of the individual child must be the guiding principle in making a decision regarding adoption.*

Issues for the Inquiry:

Inconsistencies between states/territories

There are many inconsistencies between state and territory approval processes. There is no question that the approvals process should be rigorous enough to weed out those parents who would damage a child more than an institution. However, as long as they are not going to abuse a child we question whether the state should decide whether applicants are "good enough" to adopt. It is very difficult for adoption applicants to endure, at considerable expense to them, the "approval process" conducted by a bureaucrat who is often negative and makes them feel they are doing something wrong, while at the same time they continually witness the remainder of the Australian population who have no need to obtain approval to get pregnant.

When our adoption application was being considered, from 1995 to 1999, the system was bureaucratic and cumbersome. The social workers managing and conducting the approval process appeared to have negative attitudes towards intercountry adoption which we assumed to be at least partly due to concern over the "stolen generation". The difference between this and intercountry adoption is that many children available for adoption in other countries are either true orphans or have been abandoned by their birth family for economic or cultural reasons. However deplorably we regard these reasons for abandoning a child, the fact remains that without intercountry adoption these children will most likely remain in institutions until they reach adulthood.

In 2005, many ACT intercountry adoption applicants consider themselves to be quite privileged. The attitude of the staff in the Intercountry Adoptions Unit is far more positive and helpful and the process appears efficient and effective compared with many of the states. However, anecdotal evidence suggests that the Unit receives many hundreds of phone calls every year from prospective applicants yet only 26 children were adopted into the ACT in 2003-04 (AIHW report, "Adoptions Australia"). This suggests that hundreds of prospective applicants are being turned away for reasons of cost, inability to survive the process, inability to meet the criteria or perhaps because they are being judged as not good enough. Is this a valid outcome for these applicants?

The numbers of applicants processed is inconsistent between states and territories. The ACT manages to achieve a "success rate" of one adoption per 12,461 per head of population (2003-04 adoption statistics from AIHW report, "Adoptions Australia" and Australian Bureau of Statistics population figures) compared to the least successful state, NSW at one adoption per 101,990 head of population. There could not be 8 times as many people wanting to adopt in the ACT as in NSW so there must be huge numbers of families going away disappointed in other states.

As we understand it, the various state and territory jurisdictions in Australia impose different rules, regulations and processes for adoption applicants such as:

- **Bodymass** – some applicants have been judged too overweight in some states, other states have no policy on bodymass;
- **Age** – some applicants are told they are too old to adopt a child of any age when in their mid-forties. There are also differences between states in the allowable age differential between the adoptive parents and the child;
- **Length of marriage**;
- **Marital status**;
- **Sexual orientation** – some states allow gay couples to apply to adopt, some don't;
- Policy on allowing applicants to adopt **sibling groups or older children**;
- Legislated protection for parents taking **paid or unpaid adoption leave**;
- In some states, **the ability to re-name your child is denied** (even if the original name will bring ridicule in Australia);
- **Number and ages of existing children** in the family;
- **Allowing private agencies to process adoptions**. Until April 2005, SA had outsourced the administration but this has recently been resumed by the SA government;
- **Application and processing fees** – from $2052 in Tasmania to $9700 in NSW. Imagine the outcry if governments charged birth families this fee for them to give birth to each child. Adoption should be about the needs of the children not the wealth of the applicants;
- **Different application processes and timeframes** – eg Queensland has a "call for applications" which appears to be once a year or so, with no "expressions of interest" allowed outside that window of a few weeks. Some states have compulsory attendance by applicants at a "country information" seminar, others don't. Some states take only months to process applications, some take years.
- Some agencies have **different fees (or no fee) for local adoptions than for intercountry adoptions**. This difference is explained by saying that it is seen as providing a service to

local resident children. Why do they not "provide a service" for local resident adults who want to adopt from overseas?

- Some states allow **NGO's to process local adoptions but not intercountry adoptions**; and
- Some states even **deny that particular countries are available to adopt from** even though the country is available to Australian residents in another state.

The above differences are in addition to the regulations allowed by the overseas country.

In some cases the inconsistencies between states have led to applicants moving their family interstate just to be able to adopt a child. Is that fair and equitable?

1. **A simple solution to all of this would be for the Commonwealth to introduce consistent legislation and regulations across the country.**

Inconsistencies between the benefits and entitlements provided to families with their own birth children and those provided to families who have adopted children from overseas

2. Abolish the age restriction on Maternity Payment:

As a couple, when we adopted, we were certainly not eligible for the Maternity Allowance. At the time we brought our children into our family, the $800 payment was available for adopted children only where the child or children were aged 13 weeks or less at placement. This payment has now changed to $3000 and we understand will eventually increase to $5000. But it is still only available to adopted children under 26 weeks at placement, which applies to only a very few adopted children. Many countries will not legally allow children under 12 months to be adopted. In other countries there are bureaucratic, political and social reasons why children are not able to be adopted under 6 months.

Government published policy says that the Maternity Payment "recognises the extra costs incurred at the time of the new birth or adoption of a baby" (Centrelink website). Does the government assume there are no costs if the child is over 26 weeks? The Human Rights and Equal Opportunity Commission (HREOC) recognised the costs incurred by adoptive families were equal or higher than birth families and recommended that adoptive families be supported equally to birth families (*"A Time To Value"* report, 2002).

There have been statements from the relevant government ministers that the policy will be changed, but they are still talking of "increasing" the age limit whereas it should be totally abolished. The government should understand that these children do not go straight into school. Older adopted children usually speak no English and must learn how their family operates and be given time to bond with their new family prior to commencing school.

Because of the special needs of older children, we were required to undertake extra training and have higher levels of support, skills and commitment to adopt older children. It was a requirement of our adoption authorities that one of us spent a year at home with the children. We now acknowledge that some of our son's attachment problems would have been alleviated if he had been at home with a parent for longer than he was. Access to the Maternity Allowance would have allowed that.

As mentioned above, the adoption of two children at the same time cost us $50,000 to have them arrive in Australia. Birth families are subsidised by the government at a cost of over a billion dollars (antenatal, obstetric and post natal care) so that it need not cost a family any money to have a birth child. It is inequitable then, that the attitude of the government is that adoptive parents, who usually have no choice but to adopt or remain childless, are totally "user pays".

For instance, the Queensland Minister for Child Safety Mike Reynolds in a statement on 11 March 2005 said "*It should be remembered that States and Territories also administer local adoption programs and post-adoptive services to people who have been affected by adoption in the past and that the abolition of intercountry adoption assessment fees could render States unable to deliver these services to Australians already affected by adoption*". The Minister appears to believe that those applying to adopt are obliged to subsidise local adoptions and post adoption services. He should note the almost complete lack of post adoption services provided to Intercountry adoptees. We were told that once the adoption is completed, we should now seek help through community services. The only post adoption resources provided are to local adoptees (and in many jurisdictions there are no fees or only token fees for local adoption).

There were 370 placement adoptions into Australia from overseas in 2003-04. Paying all these families the Maternity Allowance of $3000 would cost the government $1.11m, a comparative drop in the ocean. However, the payment of this sum would mean a lot to adoptive families in terms of financial and moral support and removal of discrimination. Raising the age restriction (to what age? 2years?, 5 years?) is an unacceptable option.

3. Abolish the age restriction on Unpaid Maternity Leave:

The Workplace Relations Act provides 12 months unpaid adoption leave for families adopting a child, but only where the child is under 5 years at adoption. At the time we adopted, neither of us were eligible for adoption leave, paid or unpaid. We both had to take recreation leave for the 2 week trip overseas and the one week we both spent at home with the children. If that leave had not been available to us, we were at risk of losing our jobs. Many other adoptive families do take this very real risk if they take the required time off to look after their newly adopted children aged over 5 years.

The HREOC has recommended that the government abolish this age restriction. We agree that this is an unacceptable restriction and its removal would indicate a better understanding of the needs of adoptive families.

4. Legislate for universal paid adoption leave equivalent to negotiated paid maternity leave:

According to the Department of Employment and Workplace Relations, 29% of Workplace Agreements have paid maternity leave but only 1% have paid adoption leave. According to the ACTU the number of awards that have paid maternity or adoption leave is likely to be similar. As stated above, neither of us was eligible for paid leave. As Rob found in his government department, this situation was very difficult to change as there was intransigence by management and the issue was only of minor importance to the workplace negotiators when it only affected 3 or 4 employees.

Eventually Rob managed to achieve equal adoption leave to maternity leave, but **unlike maternity leave it is subject to the CEO's agreement**. At a time when parents are very emotionally stressed and have been given usually less than a week's notice that they can fly to another country to pick up the child or children they will parent for the rest of their lives, they are now forced to justify their leave application to the CEO.

5. Legislate for universal adoption of Flexible Return To Work provisions equivalent to negotiated maternity Flexible Return To Work:

Some awards and workplace agreements allow for Flexible Return To Work arrangements, again for birth parents but not for adoptive parents. This is yet another issue of blatant discrimination against adoptive families and reflects a lack of understanding by governments, union officials and employers of adoption issues.

6. Ensure Medicare staff are familiar with requirement for adopted children to be given equal treatment to birth children. If necessary, legislate to ensure adopted children are treated equally to birth children by private health funds:

When we arrived back in Australia we were forced to endure a waiting period to receive benefits from Medicare and our private health fund. As our children required urgent medical and dental treatment we were obliged to pay for this ourselves at a cost of many thousands of dollars. Families with new-born babies are eligible to receive benefits the moment their child is born. We understand that the attitude of management of Medicare and some health funds has changed but it is still not always the case and the message is not getting through to staff.

How can the Australian Government better assist Australians who are adopting or have adopted children from overseas countries (intercountry placement adoptions)?

As stated, we in the ACT consider ourselves relatively lucky compared to other states at present, however, given the present reliance on individual State/Territory Ministers, there is nothing to stop this changing in the future. If it does change, we will be in the same position as adoption applicants in other states, with no appeal mechanism. As our experience taught us, even an appeal to the ombudsman had no effect, the response being that the Department had done nothing against the law or regulations or which was overly prejudicial. We had to hire our own lawyer to convince the Department and their lawyers that they were very wrong in their assessment.

The ACT Department officials usually respond fairly promptly to enquiries, the cost is about average (half that of NSW) and applications are processed in a reasonable time. However, many applicants still can't understand why it takes even 12 months to approve an application. But the ACT must be doing something right because it appears that the ACT is the most effective jurisdiction achieving by far the best success rate of one adoption per 12,500 people against NSW with one adoption per 101,000 people.

ACT Departmental officials once mentioned that they receive hundreds of calls per year asking about adoption. Yet in 2003-04 there were only 26 intercountry adoptions into the ACT. How many of the hundreds of enquirers are put off by the cost, the intrusiveness of the process, the attitude of the officials etc. Certainly the oft repeated line "there are more applicants than children" turns many people off, especially those without a history of infertility.

We believe the Australian Government could:

7. **Take a more pro-active role as the "lead agency" for intercountry adoption.*** The Australian Government Attorney-General's Department, which is designated the national "Central Authority" under the Hague Convention, could formulate a set of national laws and regulations which would bring consistency to the adoption process. It should be possible for the state and territory governments to administer the process within consistent Commonwealth laws.

   Presently, the Commonwealth appears to be subservient to the states when formulating policy or driving change. Anecdotal evidence suggests that suggestions for change or initiatives taken by Commonwealth officials are criticised or vetoed by the states. It has been said that there are really 8 "central authorities" in Australia and the Commonwealth simply coordinates (rubber-stamps) their deliberations and decisions.

   If the Commonwealth was to become a driver of the process instead of a passenger, particularly on the issue of developing new country programs, there would be more consistency and progress in the whole process.

   * We do hesitate to make this recommendation for fear that the Commonwealth may adopt the most expensive or the most restrictive system instead of the most effective or the most efficient.

8. **Abolish fees charged by State and Territory governments** for providing adoption services. Some States do not charge for "local" adoption approvals, others states charge considerably less for local adoptions. Is this a form of racial discrimination? As noted above, application and processing fees range from $2052 in Tasmania to $9700 in NSW. Adoption should be about the needs of the children not the wealth of the applicants. The government should be encouraging adoption rather than raising fees to the extent that adoption is only for the wealthy. Since the governments introduced fees to process adoptions, they then have established that it is "user pays". From then on they have only to justify fee increases on the basis of "not being able to provide the service" if they didn't increase fees.

   The NSW government recently increased fees by around 250% despite the furore from the stakeholders and devastated parents who realised they would not be able to afford to adopt a child or perhaps a brother or sister for their recently adopted child. At the same time as these increased fees were legislated in the Parliament, the ability for the public service to raise fees in future was also agreed by Parliament. The NSW government thereby ensured it would not have to face public scrutiny when it raised fees in the future.

   Governments in Australia subsidise birth families and foster care and make no charge for either. In-Vitro fertilisation is subsidised by millions of dollars per year and is at best 20% successful. Adoption is potentially 100% successful. Yet it is user-pays. Almost all adoption applicants who come to adoption after prolonged IVF treatment comment on how they wished they hadn't wasted their time and money on IVF when adoption is so rewarding.

9. **Explore new intercountry adoption programs** to replace the increasing number of present programs which are closing or restricting adoptions.

   Children presently living in institutions in many countries could easily be adopted into loving, caring families in Australia. Many adoption applicants are surprised and disappointed that there are so few countries available for Australians to choose to adopt from (around 13 but only about 5 or 6 are really viable) especially when they discover the increasing restrictions being applied to applicants by those countries. By contrast, whilst the United States private enterprise system is not perfect, US citizens are able to adopt from practically any country which has children available.

   We often use Russia as an example of a possible new country program. Advice from New Zealand is that there are as many as **600,000** children presently living in orphanages in Russia. Not all these children are adoptable (perhaps 100,000 aged under 9 years may be adoptable), but many could be placed in Australian families if the Russian authorities were aware of the places available for them in Australian.

   It is our understanding that Australia does not have an Intercountry Adoption (ICA) program with Russia because:

   - Russia has signed, but not ratified, the Hague Convention on Intercountry Adoption; and
   - The Commonwealth and the State and Territory agencies administering ICA have "agreed" that Australia will not commence any new programs with non-Hague countries.

   We have said "agreed" because no-one has been able to offer us any written proof of this "agreement". We are told it is an agreement reached at the "Central Authorities" meeting to which members of the public are not invited and the Minutes of which are not publicly available.

   We were originally told this "agreement" was written in the *"Commonwealth/State Agreement for the Implementation of the Hague Convention"* but having finally obtained a copy of that document in 2004, there is nothing in it to prevent new non-Hague programs. **On the contrary, the written "Agreement" outlines methodologies for establishing non-Hague programs.**

   Unfortunately, possibly due to our lobbying efforts in order to establish new country programs, there is a move by some state/territory bureaucracies in Australia to change the Commonwealth/State Agreement to put in writing the effect of the "agreement" not to open new non-Hague countries.

   Anecdotal evidence suggests that Russian adoption authorities may not presently deal with other governments but only with adoption agencies. They have to be assured that Australian adoption legislation allows adoption from Russia, presently a non-Hague country. It is difficult to even persuade the Commonwealth Attorney-General's Department to contact the Russian Embassy to ask if they are close to ratifying the Hague Convention or if they are interested in establishing a program with Australia.

   As a family, we live daily with children who display the results of the institutionalisation of children - emotional, physical, academic and behavioural problems caused by the neglect and physical, emotional and sexual abuse these children are subjected to in the orphanages. Every day that these institutionalised children endure this trauma, more damage is inflicted on them, thereby reducing their chances of a viable future.

   Efforts by Australian authorities to establish programs with other countries have been limited to Hague Convention countries, but many of these countries have few children available for adoption. The majority of countries with large numbers of institutionalised children have neither the resources nor the incentive to perform the complex tasks associated with ratifying the Hague convention. Yet Australia concentrates its new country program establishment work on countries in which there are few children needing families.

   We support having certainty that there is no malpractice in adoption, but we contend that ratification of the Hague convention does not necessarily guarantee this – several Hague countries have been accused of malpractice. Russia has demonstrated its intention to work towards full ratification of the Hague convention. New Zealand has had a viable and well regarded intercountry adoption program with Russia for many years and there are over 500 children adopted from Russia in NZ families.

   Australia already has bilateral agreements covering intercountry adoption with many countries which, with the exception of China, were signed before Australia ratified the Hague Convention. These work perfectly well for Australia and have done so for decades. There only seems to be a bureaucratic decision combined with, in some states, a negative view of intercountry adoption which prevents further bilateral agreements with non Hague convention countries.

It is beyond belief that social workers in some jurisdictions believe that it is in the child's best interest to leave them in an institution in their birth country to have their lives destroyed, rather than having them adopted into loving families in Australia. They argue that it is "removing a child from their birth culture". Our children had no "birth culture". They lived in 2 rooms, rarely went outside, watched American TV shows most of the day, had no education, no toys, and could not even speak their birth language properly.

When applying to adopt, prospective applicants are often told by adoption authorities that "there is no Australian adoption program with Russia". However, when the applicants are asked privately if they would like the opportunity of adopting from Russia, many of these applicants have expressed interest not only in infants, but in older Russian children and sibling groups. It should be noted that as an example, of the 6 families in the ACT with Romanian adopted children, 4 families have adopted sibling groups or several children and all these children were adopted over the age of 4 years.

Unfortunately, the last time an Australian government attempted to establish a program with a non-Hague country it almost met disaster. As we understand it, a state government had taken on the task of establishing a program with China. After 6 years of negotiation and no results, a private citizen, who was trying to set up an accredited agency, identified the problem and discussed the solution with Senator Brian Harradine's office. Senator Harradine arranged passage of Australian legislation to enable compliance with Chinese legislation which basically solved the problem. We understand that it was the international law and treaty experience of the Commonwealth Departments of Foreign Affairs and Immigration that made the most difference in sorting out the legal requirements. This demonstrates that the States are out of their depth in negotiating international legal affairs.

While this negotiation was proceeding, the Australian Government had also been proceeding with ratifying the Hague Convention and it was announced that no further programs would be signed with non-Hague countries. This put the years of China negotiations in jeopardy and it was only the public outcry from those wishing to adopt from China, the persistence of Senator Harradine and the international law experience of DFAT and DIMIA that the China program was made an "exception' to this "rule".

ACT Departmental officials tell us that the ACT is too small a jurisdiction to establish new country programs. But in the knowledge of the continuing restrictions being placed by other countries on Australian adoptive families, **we think the Australian Government should:**

- **Assert its role as the Australian "Central Authority" under the Hague Convention and take over the role of initiating action to investigate and develop programs with other non-Hague countries;**
- **Not agree to a complete ban on new programs with non-Hague countries but treat countries on a case-by-case basis; and**
- **Take the lead in working with one of the state/territory governments on establishing an intercountry adoption program with Russia and other non-Hague countries.**

10. **Abolish Australian Government fees on adoption applications.** The Australian Government currently charges a fee of $1245 to process a visa application for an adopted child. With only 370 intercountry adoptions in 2003-04 it is hardly a major revenue earner. Yet it is a significant cost to adoptive families, especially those adopting siblings.

    In 1999 we were also charged several hundred dollars by the Department of Foreign Affairs to fix an authentication stamp to all the documents we sent overseas, a process which took about 15 minutes. We have no doubt this outrageously expensive process continues today.

11. **Assistance with adoption expenses.** As mentioned above, the adoption process cost us around $50,000 by the time the children landed in Australia. Many of these expenses were paid to the same governments which subsidise births by more than a billion dollars per year. In many countries, adoptive parents are highly valued and the government demonstrates their recognition by making adoption expenses tax deductible. We understand that adoption expenses were tax deductible in Australia until about 1990 but this was abolished.

    In the US, a US$10,000 **per child** tax credit is allowed for adoption expenses. In addition, many US state governments provide direct grants and loans to adoptive families. Many of the major US corporations also provide sponsorship of adoptive families. Many European governments and the Canadian government also provide substantial tax assistance to adoptive families. This is the type of recognition that Australian families also deserve instead of having to pay governments for the privilege of being approved to adopt.

12. **Allowing regulated private agencies to administer the approvals process.** When Australia ratified the Hague Convention on Intercountry Adoption in 1998, after considerable consultation and enquiry, agreement was reached between all states and territories and the Commonwealth on a system of licensing NGO' s to conduct the administration of the application process.

    To date, only the **SA** government has done this, outsourcing the administration but not the approvals to a private agency. At the end of 2004 a review of this SA arrangement was announced and assurances were given that considerable consultation would be undertaken and no decision made on future arrangements until proposals were discussed with stakeholders. In early 2005 a decision was announced in the press abolishing the outsourcing arrangement to "bring SA into line with others states" according to the Minister. This decision was not discussed and went against what the stakeholders and clients had recommended.

    NGO's in **NSW** and **WA** have been seeking accreditation from the state governments since 1998 with no success. Each time these NGO's satisfy one set of requirements, they are given others to satisfy. Other state governments have stated that no NGO will be accredited in their state. These agencies believe they can not only provide the administration of the process more efficiently and effectively than government but also establish new country programs with far less bureaucratic red tape.

    Accredited NGO's work well in many jurisdictions, including New Zealand. If properly regulated there is no reason why they could not do the same in Australia. Applicants could expect a more effective and efficient service from them.

13. **Ensure sufficient consultation when formulating policy**. The recent formulation of policies affecting adoptive families has demonstrated the lack of consultation that has occurred with affected families. Recent changes to the Maternity Payment and legislation relating to leave for adoptions has included either an in-built discrimination, a lack of concern or a simple ignorance of issues affecting adoptive families.

    As an example, the recent Tutorial Credit Initiative announced in 2004 by the Commonwealth Minister for Education, Dr Brendan Nelson, gave an allowance of $700 in reading tuition to children who failed the standard reading test in school. Our son, who had been in Australia 3 years but has learning difficulties, does not read to the standard. Rather than set him up to fail, we withdrew him from the test. Having withdrawn him for this reason, we then were told that children withdrawn could not be considered to have failed the test. Therefore he was not eligible for the funding. Some consultation by the government would have enabled all the children who fell between the cracks to be included.

    There are many adoption support organisations in Australia who would be happy to consult with any government on these issues.