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From: Cec Pedersen [redacted]
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To: Committee, FHS (REPS)
Subject: Submission to the Inquiry into Adoption of Children from Overseas

I welcome the opportunity to make this written submission to the House of Representatives Standing Committee on Family and Human Services Inquiry into the Adoption of Children from Overseas. I also look forward to having the opportunity to address one of the Committee's public hearings in due course.

PERSONAL BACKGROUND

My wife and I are adoptive parents of two sibling daughters from the Philippines and they are now aged almost 7 and 6 years respectively. We were united with our daughters in June 2003 after a wait of almost 4 ½ years from when we asked the Queensland Department of Families for the application forms (we went through the Queensland system when it was undergoing substantial reform). Neither my wife nor I have infertility issues and the associated grief and we do not have biological children - intercountry adoption was our personal choice for forming our family. Despite the delays and frustrations we encountered along the way, we can honestly say that this is the most happy, important, rewarding and challenging thing that we have ever done.

The issue of adoption elicits many highly emotional reactions and generalisations from most stakeholders. In order to rationally consider issues relating to adoption of children from overseas, there are several philosophical issues which need consideration to establish the context in which those adoption issues occur and what may make the system work better - for all stakeholders. This submission will firstly address some of the key philosophical issues, and will then consider overarching policy and implementation issues relevant to the overall terms of reference for the Inquiry.

PHILOSOPHICAL ISSUES RELATING TO INTERCOUNTRY ADOPTION

It should be acknowledged from the outset that for governments of all persuasion, ***there are few votes in intercountry adoption.*** The number of potential voters who are directly affected would be possibly to the second or third decimal percentage point. I believe this has been and continues to be a disincentive for the issue to be adequately dealt with at social and international policy levels. ***Australia is well placed to contribute in a much more significant way as part of its responsibilities and obligations as an international citizen.*** We have seen a number of other examples where these have been given significant support in recent years, eg. Australian involvement in East Timor, Afghanistan, Iraq and support for Indonesia after the recent tsunami.

I believe ***it is a privilege to be a parent regardless of whether that occurs biologically or through adoption.*** However, many prospective parents consider it is their 'right' to be parents and if infertility issues are involved, that it is the obligation of the respective government agencies to provide them with the child/ren that they

were not able to have biologically. This can make the process for those prospective parents, the government agencies involved in considering and processing applications, and the relinquishing country a difficult one because frequently emotion overrides common sense in the clamber to 'get a child'. This is frequently played out in a climate of finite resources - in the Australian context there are limited resources at the State levels for receiving, processing, and assessing potential parent's applications. Each relinquishing country (agency) typically works with extremely limited resources and does not have the resource capacity to process more applications and match them with children. The sad irony is that there is a much larger number of children who would fulfil the Hague Convention requirements if there were sufficient resources to process them in their relinquishing countries and there is a significant excess of potential adoptive parents who could be allocated a child/ren if there were sufficient resources to cope with their applications, processing etc. in Australia.

Some States have endeavoured to embrace a 'user pays' approach, eg. Queensland increased its intercountry adoption assessment fee to $1200 (with the concurrence of the international adoption community representatives) in an endeavour to provide a more timely and diligent assessment after several years of having an adoptions assessment budget to cover all adoptions (general and intercountry) of $50,000pa. However, there is valid argument (made in several other submissions) that increased fees may disadvantage some couples.

The existence, purpose and application of the Hague Convention is poorly communicated and not well understood. There is a broad community perception of an almost endless number of children who are in need of a better life and therefore adoption should be easy (presumably on humanitarian grounds, eg. the recent tsunami in Asia). Unquestionably this is largely true, but it is also very true in our own Australian society where there are numerous children who are retained, by our social policies, in dysfunctional family situations which would never come anywhere near the standards applied to prospective adoptive parents and 'in the best interest of the [adopted] child'. The Hague Convention is a vital aspect of intercountry adoption because it places significant obligations on both relinquishing and receiving countries. It is also a limiting factor on the 'quick' establishment of new overseas adoption programs because it (rightfully) forces the parties to address many of the culturally sensitive issues involved, it eliminates the prospects for 'baby trading' by signatory countries, and it establishes a set of protocols for implementing intercountry adoption processes.

Insufficient attention has been given to more philanthropic ways of 'parenting' children in need in overseas contexts. Considerable scope exists for individuals and couples to indulge their parenting 'needs' through sponsorship, patronage, fostering etc. that would enable children to be provided with care and security whilst still retaining them in their culture of origin. However, this is difficult to encourage when there is a heavy societal focus on the nuclear family, albeit a blended nuclear family when intercountry adoption is involved. The construct of a nuclear family often subsumes an underlying tenet of 'ownership and control' where children are concerned and this is very apparent with many couples who are embarking upon intercountry adoption to form their families. (Many adoptive families have a huge sense of relief when their final adoption orders are signed off because it removes the respective State departments from the equation).

There are virtually no post-adoption services provided by government policy or agencies in Australia. Typically any government involvement in the intercountry adoption process ceases at the time the final adoption order is made. However, the increasing numbers of adoptions and the associated identity issues which confront virtually all intercountry adopted children (regardless of how successful the adoption has been) is an area that needs to be addressed sooner rather than later. Post-adoption services need to be a partnership between government and adequately resourced NGO's which are able to provide ongoing support and pastoral care to individuals and families who are in need.

Finally, from a philosophical standpoint, we have become a much more sophisticated society in that our tolerance and embracing of multicultural diversity has become a rich aspect of being an Australian. We are increasingly well travelled and exposed to a multiplicity of intercountry experiences. Most importantly, we have learned a lot of hard lessons about cultural sensitivity in terms of intercountry adoption and from our Australian experiences involving the 'stolen generation'. Unquestionably, ***an overseas child who is now allocated to an 'Australian' couple for adoption is well placed to receive a very high standard of love, care, support and security.***

OVERARCHING POLICY AND IMPLEMENTATION ISSUES

Notwithstanding the philosophical issues already raised, when the overall number of families and allocated adoptions are considered, ***Australia has a highly over-regulated and controlled intercountry adoption process. Apart from the individual State government departments, the Australian Government also has involvement through several departments, eg. Immigration, Health, Families, and Foreign Affairs). The end result is substantial variations in political policy, enabling legislation, regulations and policies, and highly variable processes and costs for processing and assessing applications.*** Many specific examples have been raised in the other submissions and I will concur with many of those rather than repeat them in this submission.

The unfortunate irony is that once a couple have managed to clear the Australian processes, their file goes overseas and begins another sojourn through the respective bureaucratic processes.

In the final analysis, intercountry adopted children become Australian citizens firstly and Queenslander□s or Victorians etc secondly. ***Intercountry adoption should be legislated for and facilitated by the Australian government - not the individual States and Territories. This would provide a consistent benchmark for eligibility, assessment, fees, policies, regulations etc.*** It would also enable a more seamless process for the many couples who need to move from one State to another during their application phase and because of work or personal reasons. The relevant Federal Department is debateable, however, it is argued that the Department of Foreign Affairs would be the most appropriate (this will be discussed a little later in this submission).

The existing expertise within each State and Territory domain should be retained on an agency basis to implement overarching federal legislation. By utilising a partnership approach, this would remove significant duplications and infrastructure costs and enable finite resources to be applied more directly to the core business □ processing applications and assessing the suitability of potential adoptive parents.

Intercountry adoption should be under the overall control of the Department of Foreign Affairs and existing State and Territory approaches to developing new overseas partnerships should be pursued at Senior Minister level between respective national governments. The significant cultural sensitivity that accompanies the issue of intercountry adoption is a very important consideration that cannot be adequately addressed or resourced at State or Territory government level. No country wants to admit that it cannot care for all of its children and this is the source of much embarrassment and concern to most relinquishing countries. Rather than viewing other countries as being a source for potential adopted children, we need to consider intercountry adoption as part of our broader responsibilities and obligations as international citizens. This should involve an appropriate balance between tangible aid in the countries of origin, sponsorship of short term residencies for health, education and such services, and adoptions where these meet both the cultural sensitivities of the relinquishing countries and the Hague Convention provisions. Given the present finite resources for intercountry adoptions in both Australia and relinquishing countries, and the duplicities between States, a national approach to intercountry adoption should ensure a higher number of eligible parents being assessed and a higher number of children being eligible and available for intercountry adoption placements.

Payment of the Maternity Allowance to all adoptive parents (regardless of the age of the adopted child/ren) would ease the financial pressure significantly and at a time when it is most intense. There should also be equal application to adoptive parents of future government parenting initiatives. A number of other submissions have dealt with specific issues relating to costs encountered by adoptive parents (fees, travel, foregone income etc.). Our own experiences were similar and a conservative estimate of $70,000+ would not be unrealistic in terms of the direct costs that we experienced overall. There are two particular aspects that place most financial strain on new adoptive parents - the first is that the cost is intensive in the first year and is paid from 'after-tax dollars' because there are no deductions. The second is the almost total exclusion of adoptive families from any form of government allowance to relieve the burden when it is most heavy, i.e. in the first year. We outlaid over $4000 on clothing and essentials in our first fortnight because our girls came to us literally with only their names, the clothes they were wearing and two little 'shave bags' containing a few toys. (They also went from the Philippines to an Australian winter).

CONCLUSION

The above issues have been presented in an attempt to broaden the consideration from being primarily focused on the multitude of important micro issues involved in intercountry adoption and which have been raised in other submissions to the Inquiry. It is my contention that ***the approach taken to intercountry adoption in Australia needs a major philosophical change and overhaul to achieve a balance between***

appropriate safeguards for the children and parents and the efficient and effective use of the finite resources available to Australia and its relinquishing partners.

Thank you for the opportunity to place this submission before the Committee.

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