



PREMIER

**SUBMISSION NO. 210**

AUTHORISED: 10-08-05. *And Bishop*

The Hon Bronwyn Bishop  
House of Representatives  
Chairman of the Standing Committee on Family and Human Services Inquiry into the  
Adoption of Children from Overseas  
Parliament House  
CANBERRA ACT 2600

Dear Ms Bishop

Thank you for your letter of 25 February 2005 inviting the Tasmanian Government to make a submission to the House of Representatives Standing Committee on Family and Human Services Inquiry into the Adoption of Children from Overseas.

The adoption of children from overseas in Tasmania is managed by the Department of Health and Human Services' Adoption Information Service, which operates on the principle that the welfare and interests of the child are paramount.

While the Tasmanian Government does not have any major concerns with the processes and entitlements associated with overseas adoption, there are some cross-jurisdictional inconsistencies that are worth further examination.

The comments below have been informed by discussions with the Department of Health and Human Services and are based around the terms of reference for the Inquiry.

**1. Any inconsistencies between state and territory approved processes for overseas adoptions.**

The process for adopting a child from an overseas country is remarkably similar across Australia. However, as each jurisdiction has its own adoption legislation there are a few inconsistencies.

The most significant areas of difference across Australia relate to the fees charged by each jurisdiction during the application and follow up stages of the adoption process and to the age limits that are applied to prospective parents.

The cost of a successful international adoption in Tasmania is currently \$2,280, excluding the fees payable to the country from which a child is being adopted. This fee comprises the following elements:

|                                  |       |
|----------------------------------|-------|
| Registration of Application      | \$228 |
| Assessment                       | \$684 |
| Preparation of file for overseas | \$570 |
| Post placement services          | \$570 |
| Application to court             | \$228 |

In Tasmania, the adoption application and assessment process is generally completed in less than twelve months.

Tasmania's legislation includes a restriction on the age of applicants, who must be under 50 years of age. In addition, the age gap between the child and the older of the two prospective parents (in the case of a couple) must be no more than 40 years, if they have not had any other children and no more than 45 years if they have other children. However, the legislation and associated regulations allow for discretionary decisions to be made by the Secretary of the Department of Health and Human Services.

Other States and Territories either do not have an age limit set down in legislation (e.g., NSW, QLD, ACT) or have differing criteria related to age.

I note that the Tasmanian Adoption Regulations are currently being reviewed. This includes consideration of the current age limits prescribed by the Regulations to ensure they continue to have relevance and reflect the general profile of families in our society, including the age at which women are having children, and advances in health status and increasing longevity of older Australians.

**2. Any inconsistencies between benefits and entitlements provided to families with their own birth children and those provided to families who have adopted children from overseas.**

The Australian Government's recent announcement of the extension of the Maternity Payment to the adoption of children up to the age of two years is welcomed, and has addressed a significant inequity.

There are some inconsistencies in relation to maternity leave and adoption leave entitlements that apply for both international and local adoptions. I believe it would be beneficial for these inconsistencies to be considered at both State and National levels.

Yours sincerely



Paul Lennon  
Premier